AN ACT

TO REPEAL CERTAIN ACTS THEREIN MENTIONED, AND TO AMEND, CONSOLIDATE, AND REDUCE INTO ONE ACT, THE SEVERAL STATUTORY PROVISIONS NOW IN FORCE FOR THE REGULATION OF

ELECTIONS OF MEMBERS

TO

REPRESENT THE PEOPLE OF THIS PROVINCE

IN THE

LEGISLATIVE ASSEMBLY THEREOF.

12 Victoria, Cap. 27.

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INDEX

OF

12 Vict. Cap. 27, for Amending and Consolidating the Laws relating to Elections of Members of Parliament.

Section 1.—The following Acts repealed: Lower Canada, 5 Geo. 4, Cap. 33; 10 and 11 Geo. IV. Cap. 50. Upper Canada, 4 Geo. 4. Cap. 3; 3 Will. 4, Cap. 11; 4 Will. 4, Cap. 14. Acts of United Canada, 4 and 5 Vict. Cap. 52; 6 Vict. Cap. I; and all Acts and statutory provisions repugnant to the present Act. N. B. All Acts repealed by the Acts hereby repealed, to stand repealed.

Section 2.—Sheriffs in Lower Canada to be Returning Officers *ex officio* for all Cities and Towns of their District. If two or more Sheriffs for one District, then that one to whom the writ of Election shall be addressed shall be Returning Officer. For Counties, the Registrar of Deeds and Titles, or such one, if more than one, to whom writ shall be addressed to be Returning Officer.

Section 3.—In Upper Canada, High Sheriffs of Districts to be *ex officio* Returning Officers for Counties and Ridings within their jurisdictions, and in which they shall reside, and also for Cities and Towns within such Counties and Ridings. For other Counties, the Registrars of Deeds therein to be *ex officio* Returning Officers: Provided always that the High Sheriff of Home District shall also be Returning Officer for the West Riding of York—and the Registrar of the County of York shall be Returning Officer for East and North Ridings thereof.

Section 4.—Writs of Election to be addressed to such Officers accordingly

Section 5.—Where Sheriffs or Registrars are Members of Legislative Council, or in case of death, absence or sickness, the Governor General may appoint any qualified person Returning Officer; but person so appointed must be resident elector. Penalty on unqualified person acting £50.

Section 6.—Members of Executive or Legislative Council, of Legislative Assembly, Ministers, Teachers, &c., of Religion, Judges, ex-Members of Legislative Assembly if they have served in the immediately preceding Session, ineligible as Returning Officer, Election Clerk, or Poll Clerk. Penalty £25.

Section 7.—Exemptions: Medical Men, Millers, Post Masters, persons sixty years of age, persons who have previously served, not compelled to take the Office of Returning Officer, Deputy, Election Clerk, or Poll Clerk, unless they be Sheriffs, Registrars, Town Clerks or Assessors.

Section 8.—Penalty of £50 on qualified persons refusing to serve. Exempted persons must claim exemption within two days after receipt of writ.

Sertion 9.—Returning Officers to endorse on Writ, day of its reception, and within 8 days by Proclamation (form A in Schedule,) fix time and place of Election, the place to be public and central, and the time be-

tween 11 A. M. and 2 P. M. Proclamation to be posted 8 clear days at least before day named for Election, and to name day of polling in the Parishes, &c., and in U. C. to be posted at City Hall, and also publicly in each township, ward, &c.—in L. C., in French and English and at the door of at least one place of worship, and also publicly in each ward. Penalty for neglect, £25.

Section 10.—Returning Officer to take oath No. 1, in Schedule, and annex Certificate thereof to his Return. Penalty £10.

Section 11.—Returning Officer to appoint Election Clerk to assist him, and in case of death, incapacity, or neglect before or during Election, to appoint another, and such Clerk, upon death or other cause of incapacity of R. O., to be in his place. Oath to be taken. Penalty £10.

Section 12.—Hustings to be at place named in Proclamation, in open air and free of access to all Electors, and R. O. to be there at time named, and in English and French languages in L. C., and in English in U. C., to make Proclamation in form E of Schedule, and read or have read to Electors the Writ of Election, and his Commission of R. O., and then call on Electors to name whom they wish to elect, and if Candidates or their Agents and the Electors, on a show of hands, agree in the choice, and a poll be not demanded after such show, R. O. shall close election, and proclaim as Member or Members persons so chosen. But if poll be demanded (which any Elector present or Candidate by self or Agent may demand,) R. O. shall grant the same under penalty of £200 for refusal or neglect.

Section 13.—Poll to be open and kept separately in each Electoral Division of Parish, Township, &c., which in U. C. in Counties and Ridings shall be at or near where the last Township Meeting was held, and in Cities and Towns at the most convenient place in each Ward; and in L. C. at the most public and convenient place in the open air, or in some building close to the public highway, with free access: but not a Tavern or place of public entertainment. Elector to vote only at polling place of division wherein his property lies, (excepting as excepted in S. 33) under penalty of £10.

Section 14.—Returning Officer for Montreal to appoint three polling places in each of St. Ann's, St. Antoine, St. Lawrence, St. Louis, St. James, and St. Mary's Wards, in the City of Montreal, and for Quebec, in each of the Wards St. Roch and St. John, and to appoint three Deputy Returning Officers for each of said Wards, which, for purposes of this Act, shall remain bounded as at present; and when there are several polling places in one Ward, Electors may vote at any one of them.

Section 15.- Meaning of word "Parish" in L. C., for the purposes of this Act, and at which polling place, residents in extra parochial places and parts of Parishes (for which no separate polling place shall be erected unless there be 100 electors,) may vote.

Section 16.—After poll granted, Returning Officer to proclaim from Hustings day and place previously proclaimed for taking the votes separately in each parish, &c. and allow 6 and not more than 10 days from the day of nomination to elapse before opening the several polls, the places for which the R. O. shall then specially designate and describe; after which R. O. to adjourn to a day for closing the Election, which shall be one of the ten days following the day appointed for opening the poll.

Section 17.—The day proclaimed for opening the poll shall not be a Sunday, nor any of the Holydays named in section. There shall be two days for polling and no more, which shall be consecutive, excepting

where a Sunday or Holyday intervenes, when the day next following shall be the second day. Polling to commence at 9 A. M. and close at 5 P. M.

Section 18.—Returning Officer to appoint Deputy Returning Officers, by commission under his hand, for each division—as per Schedule form F,—and three for each of certain wards before mentioned in Quebec and Montreal; Deputy Returning Officer to take oath of office, as per Schedule, oath No. 3, and refusing, to incur penalty of £25. In U. C. Township Clerks, Assessors or Collectors must be appointed Deputy Returning Officers. Deputy Returning Officers to appoint Poll Clerks by commission as per Schedule form H. Poll Clerk to take oath of office, as per Schedule No. 4. Penalty on refusing £10.

Section 19.—Returning Officer to issue to any Deputy his warrant for each Deputy to hold the prescribed poll, in form K for warrant, and form L for Poll Book. Deputy to return Poll Book signed and sealed by him, on or before the day appointed for closing the Election.

Section 20.—Instructions for keeping Poll Book.

Section 21.—Poll Clerk to assist Deputy Returning Officer generally, obey his orders, and to become Deputy Returning Officer in certain cases, whereupon he will appoint another Poll Clerk. In like cases, Deputy Returning Officer to appoint another Poll Clerk.

Section 22.—Deputy Returning Officer and Poll Clerk to take and subscribe respectively the oaths as per Schedule forms M and N, before the Poll Book be returned to the Returning Officer, said oaths to be annexed to the Poll Book. Poll Book to be returned to R. O. on or before day fixed for closing the Election. Penalty on Deputy for non-compliance £50—on Clerk £20.

Section 23.—At the time and place appointed for closing the Election, Returning Officer shall count the votes given, and openly proclaim as duly elected the person or persons who shall have a majority of the total number of votes taken and recorded according to law, but no such proclamation shall be made unless all the Poll Books shall have been returned by all his Deputies.

Section 24. Returning Officer shall not examine the Poll Books unless all have been returned, but adjourn from day to day, publicly stating his reason for such adjournment, but not adjourn so long as to delay the return of the Writ by the day appointed therefor; nor shall he adjourn to any Sunday or Holyday.

Section 25.—Indenture to be executed by Returning Officer as per Schedule form O, and at least three Electors—one copy to be given to each person elected, and one to be sent to the Clerk of the Crown in Chancery with the Return.

Section 26.—On the loss of any Poll Book, Returning Officer to examine on oath D. R. O. and Poll Clerk as to contents, and include the votes recorded therein in his summing up. Penalty £50 and imprisonment.

Section 27.—Returning Officer to deposit copies of Poll Book with Registrar of County within ten days after the close of Election; which are to remain open to inspection on payment of one shilling. The original books to be returned with the Writ within fifteen days after the close of the Election to Clerk of the Crown in Chancery, and to be *primâ facie* evidence of the truth of their contents.

Section 28.—Returning Officer or Deputy, hereafter, to have no power to grant a scrutiny.

Section 29.—Any Elector may declare himself and act as Agent for a Candidate in the absence of one authorized by writing, but no Agent who is paid or expects remuneration can vote, under penalty of £25.

Section 30.—No person shall be entitled to vote at County Elections, who has not, vested in him by a legal title, real property in said County of the clear yearly value of forty-four shillings and five pence and one farthing currency. Title to be in fee simple or freehold under tenure of free and common soccage, or in *fief*, in *roture*, or in *franc aleu*, or derived from the Governor and Council of the late Province of Quebec, or Act of Parliament. Qualification to be effective requires actual and uninterrupted possession on the part of the Elector, or that he should have been in receipt of the rents and profits of said property, for his own use and benefit, at least for six months before the date of the Writ of Election. But the title will be good without such anterior possession, if the property shall have come by inheritance, devise, marriage or contract of marriage, and also if the deed or patent from the Crown on which he claims to hold such estate in Upper Canada, have been registered three calendar months before the date of the Writ of Election. In Lower Canada, possession of the property under a written promise of Sale registered, if not a Notarial Deed, for twelve months before the Election, to be sufficient title to vote. In Upper Canada, a conveyance to wife after marriage must have been registered three calendar months or husband have been in possession of property six months before Election.

Section 31.—Voter for City or Town to have a lot of ground with a dwelling thereon of the clear yearly value of £5 11s. 1½d. currency, held in fee simple or in freehold under legal tenure, or derived from Governor in Council of late Province of Quebec, or from Act of Parliament, of which lot he shall have been in possession, or in receipt of the rents and profits for his own use and benefit, for 6 months, unless the same shall have come to him by inheritance, devise, marriage or contract of marriage, or that in Upper Canada the deed from the Crown have been registered for 3 months before date of Election Writ,—same conditions as in Section 3, in respect of written promise of sale in L. C. and postnuptial conveyance to voter's wife in U. C.

Section 32.—It matters not by whom the said dwelling house was erected, whether by voter or others, and an agreement between landlord and tenant giving right to remove the house, or stipulating a payment in lieu of removal, does not affect the proprietor's right to vote.

Section 33.—A Tenant Voter in Town or City must have occupied by actual residence, as a separate tenant, a dwelling house or houses, part or parts of houses for 12 months, of the yearly value of £11 2s. 1½d. currency, and have paid a year's rent, or that amount of money for the 12 months immediately preceding the date of Election Writ. A person holding only a shop, or place of business, but not actually residing therein, not qualified to vote. And voter having changed his residence within the Town during the year, does not affect his right to vote, but must vote in the ward in which he resides on the day.

Section 34.—Tenant's right to vote not affected by question of whether he or another built the house, or any agreement with landlord respecting removal of the same.

Section 35.—Occupiers of dwelling house provided for them by Government Civil or Military, or by any Incorporated Body or Society, not entitled

to vote on account of such occupation, unless such party shall have contracted to pay and *bonâ fide* have paid one year's rent for the same.

Section 36.—When property lies partly in one County or Riding and partly in another, the vote shall be taken for that County for which the Election is held; and when property is situated partly within one polling place and partly in another, the Elector may vote at either.

Section 37.—A proprietor under Section 31, whose lot is partly within and partly without the limits, cannot vote unless the "dwelling house" be wholly within the limits.

Section 38.—In Lower Canada only, where one shall have the right of property and another the usufructuary enjoyment for his own use and benefit, the latter only shall vote

Section 39.—Joint Tenants or Tenants in common may each vote if his undivided share be of the proper value, Shareholders in Incorporated Companies excepted.

Section 40.—Votes "objected to" to be entered as such in Poll Book, with name of objecting candidate annexed. When required by Depy. R. O., Candidate, Agent, or Elector, the Voter shall verbally describe property on which he votes, and Depy. R. O., if so required by Candidate or Agent, shall enter same in the column of "description" in Poll Book.

Section 41.—Oaths which Elector may be required to take; but only on demand of Candidate or Agent. Depy. R. O. refusing to administer, or administering without such demand, shall incur a penalty of £10. Elector voting without taking the oath, so required, shall incur a penalty of £10. If he refuse, his refusal shall be entered in Poll Book, and his vote not recorded. But if recorded, shall be null and void, and Depy. R. O. incur a penalty of £10.

Section 42.—Only British subjects of the full age of 21 allowed to vote. Elector may remove any objection by producing certificate or by taking oath No. 19, in Schedule.

Section 43.—Deputy Returning Officer may administer oath of allegiance to persons who, according to the provisions of any Act of Parliament, shall become on taking such oath entitled to the privileges of British birth in this Province.

Section 44.—Persons knowing themselves not to be qualified, voting at Elections, incur penalty of £10; and on action brought, the burden of proof shall be on Defendant,—such vote null and void. Electors voting more than once at same Election, incur like penalty, and all votes after the first null and void.

Section 45.—Any person having lands or tenements conveyed to him fraudulently for the purpose of qualifying him to vote, shall incur a penalty of £25. The said conveyance shall be valid, and vest the property nevertheless, and any agreement to revoke or reconvey null and void.

Section 46.—No woman shall vote.

Section 47.—Deputy Returning Officer may employ an interpreter, if needed. Oath.

Section 48.—Candidate, when required to make the declaration of qualification prescribed by Imperial Act for re-union of the Provinces, shall

give and insert at the foot of the declaration a correct description of the lands or tenements on which he qualifies, and any wilful mistatement therein to subject the candidate to the pains and penalties of perjury.

Section 49.—Candidate may make such declaration voluntarily at any time before or after date of writ. When requested to make declaration, it must be on or before the day of nomination, and before a poll shall have been granted, and the requisition must be made to the candidate personally, and he may comply at any time before the Proclamation of R. O. at close of election, but he need not comply if he have already made one voluntarily. Such declaration may be made before R. O. or a Justice of the Peace, or Mayor, or Alderman of any City or Town in the Province, who shall attest in writing the making thereof; and any candidate delivering or causing to be delivered the same to the R. O. before Proclamation at close of Election, shall be deemed to have complied with the law. Returning Officer bound if required, under penalty of £50, to give written acknowledgment of delivery of such declaration, and possession of such acknowledgment to be *primâ facie* evidence of possessors having been authorized by candidate to deliver the same to R. O., and whatever be the date of attestation, or receipt, it shall be deemed to have been made on the day of delivery.

Section 50.—Returning Officer and Deputy to have all the power of Justices of the Peace, and to arrest on verbal order, bail, try and convict persons who shall break the law, trouble the peace, or disturb good order, and imprison such for any period not later than the final closing of the Election, and all persons bound to obey and give their aid under a penalty of £5.

Section 51.—On written requisition, to swear in Special Constables.

Section 52.—Returning Officer and Deputy to take staves, bludgeons and offensive weapons from persons attending the Election, and persons refusing to surrender the same guilty of misdemeanor, punishable by fine of £5, or imprisonment for three months, or both, at discretion of the Court.

Section 53.—Persons convicted of a battery within two miles of the place appointed for the Election, to be deemed guilty of an aggravated assault, and punishable accordingly.

Section 54.—Candidate employing means of corruption by bribe, gift, promise, or threat to induce Elector to vote or abstain from voting, or opening or causing to be opened any house of public entertainment for accommodation of the Electors, his election, if returned, shall be set aside on proof.

Section 55.—Any person making any gift or promise to any Elector to corrupt or induce him to give or forbear giving his vote, or as expenses or compensation for loss of time, and any voter accepting the same for such purpose, shall forfeit and pay any sum between £5 and £50, at the discretion of the Court.

Section 56.—Name of bribed voter to be erased from Poll Book on trial of contested Election.

Section 57.—Entertainment of Electors to promote the Election prohibited,—exception as to entertainment at the residence of the entertainer.

Section 58.—No person armed with offensive weapons, who has not been a resident for 6 months, excepting officers lawfully engaged in the Election, to come within the electoral limits, nor shall any resident so armed approach within two miles of the Poll.

Section 59.—Prohibition for any Candidate or other person to carry or give to be carried any flag, ensign, or standard, as a party flag during an Election, or within eight days before the commencement thereof.

Section 60.—Similar prohibition as to any ribbon, label, or flower as a party badge.

Section 61.—Offenders against the provisions of any of the four preceding Sections to be deemed guilty of a misdemeanor, punishable by fine not exceeding £25, or imprisonment not exceeding 6 months, or both, at discretion of the Court.

Section 62.—Any person stealing or unlawfully taking away, or unlawfully destroying, injuring or obliterating, or counselling or assisting therein, any Writ of Election, or return thereto, or any Indenture, Poll Book or Document required by this Act, shall be guilty of felony, and may be imprisoned at hard labor in Penitentiary for not less than 3 nor more than 7 years, or be otherwise punished by fine and imprisonment at the discretion of the Court.

Section 63.—All oaths and affirmations under this Act to be administered gratuitously.

Section 64.—Penalties imposed by this Act recoverable by suit with costs, and offender committed to gaol until paid, but suit must be brought within 9 months, and what it shall be sufficient to aver in the declaration.

Section 65.—Cities and Towns not to form part of Counties or Ridings for purposes of Election, and no one to vote at Election for a County or Riding upon lands, tenements, or lots within limits of any City or Town.

Section 66.— Enumeration of fees and allowances for services and disbursements at Election.

Section 67.—One copy of this Act with Index for each Returning Officer, and one for each Depy. R. O. to be transmitted with the Writ of Election.

Section 68.—Time of polling in the County of Waterloo as to the Townships of Waterloo and Wilmot may be extended upon requisition of 12 Electors on behalf of the voters remaining unpolled on the second day.

Section 69.—Act may be amended or repealed during the Session in which it was passed.

SCHEDULE OF FORMS, OATHS, &c.

ACTS

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ALPHABETICAL INDEX

TO

ELECTION ACT.

ACTS REPEALED: Lower Canada, 5 Geo. 4, c. 33; 10 and 11 Geo. 4, c. 50; Upper Canada, 4 Geo. 4, c. 3; 3 Will. 4, c. 11; 4 Will. 4, c. 14; Acts of Canada, 4 and 5 Vic. c. 52; 6 Vic. c. 1.—*sec.* 1.

AFFIDAVIT; stealing or destroying any connected with Election, a felony, punishable with 7 years at hard labour in Penitentiary.—*sec.* 62, *p.* 30.

AGENT: any elector may act as Agent to any absent Candidate in the absence of any person authorized in writing to act as such.—*sec.* 29, *p.* 16.

Cannot vote if he shall have received, or expect, any fee or reward, or promise of such, under penalty of £25, and his vote shall be null and void.—*sec.* 29, *p.* 16.

May require elector to describe property.—*sec.* 40, *p.* 40. And to make oath.—*sec.* 41, *p.* 22.

May require Returning Officer, or Deputy, to swear in Special Constables.—*sec.* 51, *p.* 27.

ALLEGIANCE: Oath of, when it may be administered at the poll, and its effect.—*sec.* 43, *p.* 23.

ARMS: may be demanded of all persons having them at elections, and refusal to surrender, a misdemeanor punishable by fine of £5 currency, or three months' imprisonment, or both.—*sec.* 52, *p.* 27.

Carrying at elections, prohibited; penalty £25, and six months' imprisonment.—*sec.* 58, *p.* 53, and *sec.* 61, *p.* 30.

ARREST: Power given to Returning Officer, and Deputy, to place by verbal order, or otherwise, all disturbers of the peace at elections in custody of two or more constables, or other persons.—*sec.* 50, *p.* 49.

ASSAULT: A battery committed within two miles of place of election, or of any poll during election, to be deemed an aggravated assault and punished accordingly.—*sec.* 53, *p.* 51.

ASSESSOR: When to be appointed Deputy Returning Officer.—*sec.* 18, *p.* 10.

ATTORNEY: Paid to promote election of any candidate cannot vote; penalty £25.—*sec.* 29, *p.* 16.

BATTERY, committed within two miles of any poll or place of election, during election, to be deemed and punished as an aggravated assault.—*sec.* 53 *p.* 28.

BRIBERY: Gift, or promise of reward, or threat of inflicting any loss on elector, to influence his vote, by candidate or authorized agent to forfeit seat of member, on conviction before proper tribunal.—*sec.* 54, *p.* 28.

BRITISH SUBJECTS only can vote at elections.—*sec.* 42, *p.* 42. Persons taking Oath of Allegiance at poll to be entitled to all privileges of British Birth, as granted by certain Acts.—*sec.* 43, *p.* 23.

CANDIDATE: Any elector, in the absence of any person authorized in writing, may act as agent for any absent candidate.—*sec.* 29, *p.* 16.

May require elector to describe property.—*sec.* 40, *p.* 40. And make oath.—*sec.* 41, *p.* 22.

May make declaration of property voluntarily, at any time before Justice of Peace, Mayor, Alderman, or Returning Officer, who must give written acknowledgment of same, under penalty of £50; and delivery of such acknowledgment to Returning Officer, at any time before close of election, shall be deemed a full compliance with the law.—*sec.* 49, *p.* 25.

May require Returning Officer, or Deputy, to swear in Special Constables.—*sec.* 51, *p.* 27.

Convicted of bribery, or of opening house of entertainment for accommodation of electors, cannot again be a candidate during the same parliament.—*sec.* 54, *p.* 28.

Furnishing entertainment for promotion of election, excepting at his own residence, a misdemeanor, punishable by fine of £50, or imprisonment for six months, or both.—*sec.* 57, *p.* 29, and *sec.* 61, *p.* 30.

CERTIFICATE: Stealing or destroying any connected with election, a felony, with seven years at hard labour in Penitentiary.—*sec.* 62, *p.* 30.

CITIES: In Lower Canada, Sheriffs to be *ex officio* Returning Officers.—*sec.* 2, *p.* 2.

Henceforth cease to form part of Counties or Ridings, for the election of members of Legislative Assembly.—*sec.* 65, *p.* 31.

CLERK paid to promote election of any candidate cannot vote; penalty £25.

COLLECTOR: When to be appointed Deputy Returning Officer.—*sec.* 18, *p.* 10.

COMPENSATION: to elector for expenses or loss of time, as consideration for voting or forbearance to vote, to subject party giving or receiving to fine of from £5 to £50.—*sec.* 55, *p.* 28.

CONVEYANCE: Fraudulent, to qualify a person to vote, and who votes, to be valid, notwithstanding agreement to revoke or reconvey, and to vest the lands so conveyed, to all intents and purposes.—*sec.* 45, *p.* 24.

Penalty on persons voting on such conveyance, £25.— *ibid.* *p.* 24.

CORPORATION: Partners in, cannot vote as joint-tenant.—*sec.* 39, *p.* 21.

CURRUPTION of Elector, to forfeit seat of member on conviction.—*sec.* 54, *p.* 28.

COUNTIES, in Lower Canada, Registrars of Deeds to be *ex officio* Returning Officers.—*sec.* 2, *p.* 2.

What qualification required in voter.—*sec.* 30, *p.* 16.—See "Elector" in this Index.

Elector for, if his lands lie partly in one and partly in another County, may vote for that one for which the election is held.—*sec.* 36, *p.* 20.

And where it is the same as respects two polling places, may vote in either.—*ibid p,* 20.

COUNSEL: paid to promote the election of any candidate cannot vote; penalty £25.—*sec.* 29, *p.* 16.

DECLARATION of candidate that he possesses property to the amount required by law.—*sec.* 48, *p.* 25.

Addition thereto containing description of such property.—*ibid.* *p.* 25.

May be voluntarily made beforehand, before any Justice of the Peace, Mayor or Alderman, or the Returning Officer, who shall give written acknowledgment of the same.—*sec.* 49, *p.* 25.

Delivery of such to Returning Officer, by any one before close of the [illegible]ation, to be deemed a full compliance with the law.—*ibid. p.* 26.

DEPUTY RETURNING OFFICER: Persons who may in no case be appointed.—*sec.* 6, *p.* 4.

Persons exempted.—*sec.* 7, *p.* 4.

Three to be appointed for each of certain Wards in Quebec and Montreal.—*sec.* 14, *p.* 8.

One to be appointed for every poll.—*sec.* 18, *p.* 10.

Form of Commission, *p.* 67.—*sec.* 18, *p.* 10.

Oath to be taken by—*No.* 3, *p.* 36.—*ibid.* To be taken before Returning Officer or Justice of the Peace.—*ibid.*

To obtain certificate of having taken the oath, in form G. *p.* 39.—*ibid.*

Liable to £25 penalty for refusal or neglect of duty.—*ibid.*

In Upper Canada to be Town Clerk; or in case of absence or sickness, the Assessor or Collector.—*ibid.*

To appoint by Commission, in form H. page 39, a Poll Clerk.—*sec.* 18, *p.* 10.

To open Poll as required by warrant of Returning Officer, in form K. p. 41, and record votes in Poll Book, of form L, *p.* 43, and return same under his signature and seal, to Returning Officer on a cetain day.—*sec.* 19, *p.* 11.

What entries he shall make in Poll Book.—*sec.* 20, *p.* 12.

In case of his sickness or incapacity to peform duties, Poll Clerk to take his place.—*sec.* 21, *p.* 12.

After closing the poll, to make oath in form N. page 44, and return Poll Book to Returning Officer, with said oath annexed on or before day for closing the election.—*sec.* 22, *p.* 13.

Liable to penalty for refusal or neglect of £50.—*sec.* 22, *p.* 13.

How he shall proceed in case Poll Book shall have been stolen, mutilated, or be missing.—*sec.* 26, *p.* 14.

Not to grant scrutiny.—*sec.* 28, *p.* 15.

How to act when a vote is objected to.—*sec.* 40, *p.* 21.

Refusing to administer oath to elector when duly required, or administering without being required, or recording vote without administering if required; penalty of £10.—*sec.* 41, *p.* 22.

To enter in Poll Book word "refused," if person claiming to vote refuse to make oath.—*ibid.*

May administer oath of allegiance.—*sec.* 43, *p.* 23.

May employ interpreter.—*sec.* 47, *p.* 24.

His oath.—*ibid. p.* 25.

His power to arrest disturbers of the peace on verbal or written order, and to detain, &c.—*sec.* 50, *p.* 26.

On requisition in writing by candidate, agent, or two or more electors, to swear in Special Constables.—*sec.* 51, *p.* 27.

May demand arms, weapons, &c., from persons at elections; refusal to surrender, a misdemeanor, punishable by fine and imprisonment.—*sec.* 52, *p.* 27.

To receive copy of this Act, with copious alphabetical Index at opening of election.—*sec.* 67, *p.* 33.

DISTURBERS of the peace, at elections, may be apprehended on verbal or written order of Returning Officer, or Deputy, detained, tried, and convicted; and all persons must aid and obey order of Returning Officer and Deputy, under a penalty of £5.—*sec.* 50, *p.* 27.

DOCUMENTS connected with election, stealing or destroying, a felony, punishable with seven years at hard labour in penitentiary.—*sec.* 62, *p.* 30.

ECCLESIASTIC, cannot be Returning Officer.—*sec.* 6, *p.* 4.

ENSIGNS, for party purposes, prohibited at elections, and for eight days before; penalty £25, and six months' imprisonment.—*sects.* 59, 60 & 61, *pp.* 29 & 30.

ENTERTAINMENT, opening house of for Electors, to vacate seat of Member if proved.—*sec.* 54, *p.* 28.

If furnished by any one to Electors with intent to promote Election, excepting at private residence of party, to be a misdemeanor punishable by £25 fine or six months' imprisonment, or both.—*sec.* 57, *p.* 29, and *sec.* 61, *p.* 30.

ELECTION, if obtained by bribery or entertainment of Electors, void.—*sec.* 54, *p.* 28.

ELECTION CLERK: persons who may in no case be appointed.—*sec.* 6, *p.* 4.

Persons exempted.—*sec.* 7, *p.* 4.

Form of appointment and oath.—*p.* 37.

To act as Returning Officer when the latter shall be incapacitated by death, illness, or otherwise.—*sec.* 11, *p.* 6.

What he shall annex to Return in such case.—*ibid.*

ELECTOR, at Quebec or Montreal, may vote at any Polling place in his Ward.—*sec.* 14, *p.* 8.

Whose property is in part of a Parish or Township or extra-Parochial place, may vote at any Poll in his County.—*sec.* 15, *p.* 9.

If paid Agent Counsel, Attorney or Clerk, or promised, or expecting reward, cannot vote—penalty £25.—*sec.* 29, *p.* 16.

For County or Riding to possess as proprietor for his own use and benefit by legal title in fee simple or freehold under the tenure of free and common soccage, or in *fief* or *roture* or *franc alleu*, or by Certificate from Governor in Council of late Province of Quebec, or Act of Legislature, lands or tenements of the clear yearly value of £2 4 5¼ currency.—*sec.* 30, *p.* 16.

And to have been in uninterrupted possession or in receipt of rents and profits for six Calendar months next before date of Writ.—*ibid.* 17.

Unless the same shall have come by descent or inheritance, devise, marriage or marriage contract.—*ibid.*

Patent from the Crown, in Upper Canada, must have been registered three months before date of Writ.—*ibid.*

In Lower Canada a deed containing promise of sale (*promesse de vente*) and possession of property, deemed sufficient title, but must have been registered twelve months before date of Writ, if not a Notarial deed.—*ibid.*

In Upper Canada conveyance to Wife after marriage to give no legal title to vote unless registered for three months, or unless elector shall have had possession for six months before—*ibid. p.* 17.

For City or Town, to possess, similarly derived as above, a lot of ground with a dwelling house thereon, within the limits or

liberties thereof, of the clear yearly value of £5 11 1½, currency.—*sec.* 31, *p.* 17

Of which he shall have held possession or received rent and profits six months before date of Writ, unless property have come by descent or inheritance, devise, marriage or contract of marriage, or, being derived under Patent from Crown, have been registered three months before.—*ibid.*, *p.* 17.

Promise of sale in Lower Canada to give legal title to vote if registered twelve months before, unless a Notarial deed.—*ibid.*, *p.* 18.

In Upper Canada, conveyance to wife after marriage requires that vote have been in possession six months, or that it shall have been registered three months.—*ibid.*, *p.* 18.

Proprietor of town lot may vote whether he or any other person have built the dwelling house, or whether or not there be any agreement that his tenant or any other person may remove dwelling or receive compensation for letting it remain.—*sec.* 32, *p.* 19.

Voting as tenant in any City or Town, must occupy and have occupied by actual residence for twelve months before date of Writ, a dwelling house, or dwelling houses, in part or parts of such, and paid one year's rent next before date of Writ to the amount of £11 2s. 2½d. currency.—*sec.* 33, *p.* 18.

Said year's rent must be for the year ending on the last yearly, half-yearly, quarterly, or other day of payment which shall have occurred next before date of Writ.—*ibid.*, *p.* 19.

Occupation of a shop, office, or counting-house, or other place of business, not sufficient unless the elector shall live and have his actual residence therein.—*ibid.*

Voting as tenant, not disqualified because he built the house on his occupation of which he votes, nor does it matter who built it or under what covenants for removal.—*sec.* 34, *p.* 19.

Cannot vote as tenant upon occupation of a dwelling provided for him by the Crown or any Department of Her Majesty's Government, or by any Corporation, Society or Company.—*sec.* 35, *p.* 20.

For County, holding lands partly within one County and partly within another, may vote for the County for which the election is held, and if the same occur with respect to two polling places, elector may vote at either.—*sec.* 36, *p.* 20.

For a Town whose lot is partly within and partly without the limits cannot vote unless the "dwelling house" thereon be within the limits.—*sec.* 37, *p.* 20.

In Lower Canada having the right of property merely and another having the usufructuary enjoyment, the latter only shall vote.—*sec.* 38, *p.* 21.

When a joint tenant, or tenant in common with others may vote if his undivided share be of the yearly value required by Sections 30 & 31 of this Act.—*sec.* 39, *p.* 21.

But shareholders in incorporated Companies cannot vote upon their shares.—*ibid.*

Who is objected to must, if required, declare situation, &c., of lands.—*sec.* 40, *p.* 21.

If required by candidate or agent, and not otherwise, must take one of the oaths marked in the Schedule from 5 to 19 inclusive, (as the case may be) or make affirmation—*sec.* 41, *p.* 22.

Voting without making Oath as required, penalty £10.—*ibid.*, *p.* 23.

Must be British Subject by birth or naturalization, and 21 years of age.—*sec.* 42, *p.* 23.

How he may remove the objection.—*ibid.*

On taking Oath of allegiance at Poll becomes entitled to all the privileges of British Birth accorded by certain Acts of Parliament to persons taking such Oath before Commissioners specially appointed by Act.—*sec.* 43, *p.* 23.

Person claiming to be, voting although knowing himself not to be duly qualified, to incur penalty of £10 currency.—*sec.* 44, *p.* 24.

In action brought for penalty, burden of proof to be on Defendant.—*ibid.*

Voting more than once at same election liable to penalty of £10 currency.—*ibid.*

Voting on fraudulent conveyance to incur penalty of £25 currency.—*sec.* 45, *p.* 24.

Vote declared void, but conveyance good and binding notwithstanding any agreement to revoke or reconvey.—*ibid.*

A woman cannot be.—*sec.* 46, *p.* 24.

May require of candidate a description of the property on which he qualifies.—*sec.* 48, *p.* 25.

Two or more may require Returning Officer or Deputy to swear in Special Constables.—*sec.* 51, *p.* 27.

Accepting gift, loan, office, or promise of reward or money as compensation for loss of time or expences, corruptly in consideration of his giving or forbearing to give his vote, to forfeit on suit from £5 to £50, and costs.—*sec.* 55, *p.* 28.

Whose vote shall be proved to have been given corruptly, to be struck from Poll Book.—*sec.* 56, *p.* 28.

Unless he be one of the appointed officers for taking the election, or a Constable appointed by Returning Officer or Deputy, or required by lawful authority, not to come with arms or offensive weapons within two miles of the Poll—punishable as misdemeanor by fine of £25, and 6 months' imprisonment, or both.—*sec.* 58, *p.* 29—and *sec.* 61, *p.* 30.

EXCLUSIONS, from serving as Returning Officer, &c.—*sec.* 6, *p.* 4.

EXECUTIVE COUNCILLORS cannot serve as Returning Officers, Deputy do., Election Clerk or Poll Clerk.—*sec.* 6, *p.* 4.

EXEMPTIONS, from serving as Returning Officer, &c.—*sec.* 7, *p.* 4.
Must be claimed within two days after the receipt of Writ.—*sec.* 8, *p.* 5.

FEES to the several Officers employed in election.—*sec.* 66, *p.* 32.

FELONY: stealing, destroying, or mutilating any Writ of Election, Poll Book, or other election document, punishable with seven years in Penitentiary at hard labour.—*sec.* 52, *p.* 27.

FLAGS for party purposes at elections, and for eight days before, prohibited; penalty £25 and 6 months' imprisonment.—*secs.* 59, 60 and 61, *pp.* 29 & 30.

FORM prescribed by Act for Proclamation of Returning Officer, fixing time and place of election.—*p.* 35.

Of Certificate by Justice of the Peace that Returning Officer has taken the oath.—*p.* 36.

Of Commission appointing Election Clerk.—*p.* 36.

Certificate of Election Clerk having taken the Oath of Office.—*p.* 37.

Proclamation that Returning Officer is to cause to be read on day of election at hustings.—*p.* 38.

Commission of Deputy Returning Officer.—*p.* 38.

Certificate that has taken the Oath—*p.* 39.

Commission of Poll Clerk—*p.* 40.

Certificate that has taken the Oath.—*p.* 40.

Warrant of Returning Officer to each of his Deputies tor opening the Polls.—*p.* 41.

Of a Poll Book.—*p.* 43.

Of Indenture between Returning Officer and Electors, on proclamation of Members returned.—*p.* 45.

HOME DISTRICT, U. C.—Sheriff of, is *ex officio* Returning Officer for West Riding of York.—*sec.* 3, *p.* 3.

HUSTINGS: must be in open air, and free of access to all electors.—*sec.* 12, *p.* 7.

Order of proceedings thereat.—*ibid*, *p.* 7.

IMPRISONMENT of persons refusing to surrender arms or offensive weapons at elections, on conviction, not to exceed three months, and fine of £5.—*sec.* 52, *p.* 27.

For stealing, destroying, or mutilating Writ of Election, Return, Indenture, Poll Book, Certificate, Affidavit, or other document connected with election, not less than three nor more than seven years in penitentiary, at hard labour.—*sec.* 62, *p.* 30.

INDENTURE: stealing or mutilating, felony, seven years in penitentiary.—*sec.* 62, *p.* 30.

INDEX: this Act with copious alphabetical Index to be sent to every Returning Officer and Deputy, with Writ of Election.—*sec.* 67, *p.* 33.

INDICTMENT for stealing or injuring Poll Book, &c.—The article which is the subject of indictment need not be laid as the property of any one, nor that it is of any value.—*sec.* 62, *p.* 30.

For penalty under this Act, the particular offence, and that defendant is guilty, are all that need be alleged.—*sec.* 64, *p.* 31.

INTERPRETER may be employed by Deputy Returning Officer when required.—*sec.* 47, *p.* 24.

His oath.—*Ibid*, p. 25.

JOINT TENANTS may vote, if undivided share of the property be of the value required.—*sec.* 39, *p.* 21.

JUDGE cannot be Returning Officer.—*sec.* 6, *p.* 4.

LEGISLATIVE COUNCILLOR cannot be Returning Officer, nor Deputy, Election Clerk, nor Poll Clerk.—*secs.* 5 and 6, *pp.* 3 and 4.

Assembly, Member of,—ditto.—*sec.* 6, *p.* 4.

Nor Ex-Member, if he served in the previous Session.—*sec.* 6, *p.* 4.

MEMBER OF PARLIAMENT: Election to be declared void, if proved guilty of bribery and corruption, or of opening house of entertainment for electors other than his own house.—*sec.* 54, *p.* 28.

MINISTER of Religion, cannot be Returning Officer.—*sec.* 6, *p.* 4.

MISDEMEANOR: refusing to surrender arms or offensive weapons at election; fine £5, or imprisonment, or both.—*sec.* 52, *p.* 27.

Entertaining electors, carrying arms, or party flag, or ribbon as party badge; penalty £25, or six months's imprisonment, or both.—*secs.* 57, 58, 59, 60 and 61, *pp.* 29 and 30.

OATH of Returning Officer.—*p.* 35.

Election Clerk.—*p.* 37.

Deputy Returning Officer.—*p.* 38.

Poll Clerk.—*p.* 40.

Ditto after closing of poll.—*p.* 44.

Deputy Returning Officer, after closing of poll.—*p.* 44.

Of County Elector in LOWER CANADA voting on property acquired otherwise than by descent, marriage, &c.—*p.* 46.

Ditto (L. C.) on property by descent, marriage, &c.—*p.* 47.

Town or City Elector, (L. C.) as proprietor on title other than descent, &c.—*p.* 47.

Ditto (L. C.) as proprietor by descent, &c.—*p.* 48.

Ditto (L. C.) as tenant.—*p.* 48.

County or Riding elector, in UPPER CANADA, upon estate (U. C.) derived by conveyance not registered.—*p.* 49.

Ditto on estate (U. C.) by Patent from the Crown.—*p.* 49.

Ditto (U. C.) by registered conveyance.—*p.* 50.

Ditto (U. C.) by inheritance, devise, or marriage.—*p.* 50.

Town or City freeholder, (U. C.) voting on estate by conveyance not registered.—*p.* 51.

(U. C.) on estate by inheritance, devise, or marriage.—*p.* 51.

Of Town or City elector (U. C.) voting as tenant.—*p.* 52.

On estate by registered conveyance.—*p.* 52.

Estate by Patent from the Crown.—*p.* 53.

Of elector in either Province, that he is a British subject.—*p.* 53.

Of the Interpreter.—*p.* 25.

All under this Act to be administered gratuitously.—*sec.* 63, *p.* 31.

OBJECTED VOTES: how to be entered in Poll Book, and duty of Deputy Returning Officer in such cases.—*sec.* 40, *p.* 21.

PARISH: what shall be deemed in Lower Canada.—*sec.* 15, *p.* 9.

Part of, containing 100 qualified proprietors, may have separate Polling place.—*sec.* 15, *p.* 9.

Extra-parochial place, at what Poll Elector may vote.—*sec.* 15 *p.* 9.

PARTY FLAGS, ribbons, badges, or favors prohibited during or within eight days previously to any election—penalty £25 and 6 months' imprisonment—*secs.* 59 and 60, *pp.* 29 and 30.

PEACE: Returning Officer and Deputy to be Conservators of, during Election, with full powers to arrest, detain, bail, try and convict disturbers.—*sec.* 50, *p.* 26.

PENALTY: all under this Act recoverable by action of debt, &c., in any Court of competent jurisdiction.—*sec.* 54, *p.* 28.

On Returning Officer refusing to give written acknowledgment of having received certified declaration of Candidate as to property £50.—*sec.* 49, *p.* 25.

On person refusing to surrender arms or offensive weapons, £5, and imprisonment.—*sec.* 52, *p.* 27.

On parties giving or receiving corruptly any consideration for voting, from £5 to £50.—*sec.* 55, *p.* 28.

On persons providing entertainment to promote Election, excepting at private residence, £25, or six months' imprisonment, or both.—*sec.* 57, *p.* 29, and *sec.* 61, *p.* 30.

On strangers coming armed to Elections, or resident Electors coming within two miles armed, £25, and six months' imprisonment.—*sec.* 58, *p.* 29, and *sec.* 61, *p.* 30.

On unqualified person acting as Returning Officer, £50.—*sec.* 5, *p.* 3.

On disqualified persons named in section 6, so acting, £25.—*sec.* 6, *p.* 6.

On qualified persons refusing to serve as Returning Officers, £50.—*sec.* 8, *p.* 5.

On Returning Officer for neglect to make due Proclamation, £25.—*sec.* 9, *p.* 5.

On Returning Officer for neglect to take Oath, £10.—*sec.* 10, *p.* 6.

On Justice of Peace for refusing to administer same, or to grant Certificate in form as in page 36, £10 —*sec.* 10, *p.* 6.

On Election Clerk for neglect to take Oath, or perform duties, £10, *sec.* 11, *p.* 6.

On Returning Officer not granting Poll, £200.—*sec.* 12, *p.* 7.

On Deputy Returning Officer for refusal to take office or neglect of duty, £25.—*sec.* 18, *p.* 10.

On Poll Clerk, ditto, £10.—*ibid p.* 11.

On Deputy Returning Officer for contravention of section 22, £50.—*sec.* 22, *p.* 13.

On Poll Clerk for the same, £25.—*ibid.*

On Deputy Returning Officer and Poll Clerk for contravention of directions in section 26 in case of loss, damage or destruction of Poll Book, £50, and imprisonment.—*sec.* 26, *p.* 14.

On persons voting who act as Agent, Counsel, Attorney, Clerk, or otherwise, to promote the election of any candidate, and receive or expect fee or reward, or promise of the same, £25. *sec.* 29, *p.* 16.

On Deputy Returning Officer for not administering Oath to elector when required, or for administering without being required, or recording vote of person required to make Oath but who has not complied, £10 currency.—*sec.* 41, *p.* 22.

On person voting without qualification, or voting more than once at the same election, £10.—*sec.* 44, *p.* 24.

On person voting on fraudulent conveyance, £25.—*sec.* 45, *p.* 24.

PENITENTIARY: seven years' imprisonment, at hard labour, for persons guilty of stealing or mutilating any Poll Book, Writ of Election, Indenture or other Election Document.—*sec.* 62, *p.* 30.

PERJURY: candidate knowingly and wilfully making false statements in description of the property on which he qualifies, liable to the pains and penalties of.—*sec.* 48, *p.* 25.

POLL: to be opened, if demanded, in every Parish, Township, or Union of Townships, or Ward, or part of a Parish or Township.—*sec.* 9, *p.* 6.

When demanded must be granted under penalty on Returning Officer of £200, and election *ipso facto* null and void.—*sec.* 12, *p.* 7.

In what place or building to be held, and proceedings at.—*sec.* 13, *p.* 8.

Not to be a Tavern.—*ibid.*

Special provisions respecting for, Montreal and Quebec.—*secs.* 14 and 16.

Must be held in a central place.—*sec.* 14, *p.* 8.

And on a day not more than ten nor less than six days after the Nomination Day.—*sec.* 16, p. 9.

Must not be on a Sunday nor any of the days named in section, as holy-days.—*sec.* 17, *p.* 10.

And continued for two days only, from nine in the forenoon to five in the afternoon, and the days to be consecutive, unless holy-day intervene.—*ibid.*

POLL CLERK: persons who may in no case be appointed.—*sec.* 6, *p.* 8.

Persons excepted.—*sec.* 7, *p.* 4.

His Oath, No. 4, *p.* 40.—*sec.* 18, *p.* 10.

To obtain Certificate of having taken Oath in form 3, *p.* 36.—*ibid.*

To aid Deputy Returning Officer, and in case of his sickness or incapacity, to take his place, with the like powers and obligations and under the like penalties, and in such case to appoint another Poll Clerk.—*sec.* 21, *p.* 12.

After the closing of the Poll, to take Oath form M, page 44, which shall be annexed to Poll Book.—*sec.* 22, *p.* 14.

Liable to penalty, for contravention of section 22, of £20.—*sec.* 22, *p.* 13.

His duty in case of loss, damage, or destruction of Poll Book.—*sec.* 26, *p.* 14.

PRIEST: cannot be Returning Officer.—*sec.* 6, *p.* 4.

POLL BOOK: to be kept in form L, *p.* 43.—*sec.* 19, *p.* 11.

And returned to Returning Officer under the Signature and Seal of the Deputy, on or before day fixed for closing the election.—*sec.* 19, *p.* 11.

What entries shall be made in.—*sec.* 20, *p.* 12.

Proceedings upon loss, damage, or destruction of.—*sec.* 26, *p.* 14.

Copies to be made by Returning Officer within 10 days after close of election, and deposited with Registrar of Deeds for public inspection, with liberty to copy, on payment of one shilling.—*sec.* 27, *p.* 15.

Original to be returned with Writ to Clerk of the Crown in Chancery within fifteen days after close.—*ibid. p.* 15.

Original to be *primâ facie* evidence of truth of contents.—*ibid. p.* 15.

What entries shall be made in, of "objected votes."—*sec.* 40, *p.* 21.

Oath when administered to elector to be recorded in.—*sec.* 41, *p.* 22.

And to enter against the name the word "refused," if elector will not take the Oath.—*ibid. p.* 22.

Where elector shall have voted more than once, all after the first null and void, and penalty £10 currency.—*sec.* 44, *p.* 24.

Votes proved to have been given corruptly to be struck from Poll Book.—*sec.* 56, *p.* 24.

Stealing, destroying, obliterating or injuring, to be deemed a felony punishable with seven years' imprisonment at hard labour in the Penitentiary.—*sec.* 62, *p.* 30.

PROCLAMATION of Election: its form.—*p.* 35.

Must be made within 8 days after receipt of Writ, and be posted up 8 clear days before day appointed for the nomination day.—*sec.* 9, p. 5.

In what places it shall be posted.—*ibid. p.* 5.

Must be in English and French languages in Lower Canada, and in English in Upper Canada.—*ibid.* p. 5, and *sec.* 12, *p.* 7.

QUALIFICATION of Voter in Counties or Ridings.—*sec.* 30, *p.* 16, and see "Elector."

In Towns or Cities.—*sec.* 31, *p.* 17.

Of candidate, form of addition, describing his lands and tenements which, if required, he must make to the declaration prescribed by the Imperial Act of Union.—*sec.* 48, *p.* 25.

REGISTRARS of Deeds, in Lower Canada, to be *ex officio* Returning Officers for Counties.—*sec.* 2, *p.* 2.

In Upper Canada, to be *ex officio* Returning Officers for Counties of which Sheriffs are not.—*sec.* 3. *p.* 3.

Of County of York, Upper Canada, to be Returning Officer for east and north Ridings of said County.—*sec.* 3, *p.* 3.

Refusing to serve, penalty £50.—*sec.* 8, *p.* 5.

To permit inspection with leave to copy the certified copies of Poll Books on payment of one shilling.—*sec.* 27, *p.* 15.

RETURNING OFFICER: Sheriffs to be *ex officio* in Lower Canada for Cities and Towns, and Registrars for Counties.—*sec.* 2, *p.* 2.

In Upper Canada High Sheriff to be for Counties and Ridings, Cities and Towns, if resident, and Registrars for other Counties—with exception as to County of York.—*sec.* 3, *p.* 3.

If Sheriff or Registrar be Member of Legislative Council, he cannot act, and Governor may appoint another—and so also in case of death or other incapacity.—*sec.* 5, *p.* 3.

Must be an Elector and have resided 12 months.—*sec.* 5, *p.* 3.

Members of Executive or Legislative Council, of Legislative Assembly, Ministers of Religion, Priest, Ecclesiatic, or Teacher of Religion, Judges, Ex-Members of Legislative Assembly who served in Session next preceding the election, or in the then present Session, cannot act as Returning Officers.—*sec.* 6, *p.* 4.

Persons exempted from serving.—*sec.* 4, *p.* 9.

Refusing to serve, penalty £50.—*sec.* 8, *p.* 5.

On receiving Writ of Election, what he shall do.—*sec.* 2, *p.* 2.

Form of his Oath, and Certificate thereon.—*p.* 35.

To appoint election Cleck.—*sec.* 10, *p.* 6.

Form of Commission of such appointment.—*p.* 36.

To appoint another on death or incapacity.—*sec.* 11, *p.* 6.

Election Clerk to act in his stead if incapacited by death, illness or otherwise.—*sec.* 11, *p.* 6.

On day of election ("Nomination Day") to make at Hustings Proclamation in form E, page 38, and read Writ of Election and his Commission, then call on electors to name whom they will have as Members, and proclaim such persons duly elected if upon a show of hands there be no opposition, but if a Poll be demanded, Returning Officer must grant the same under penalty of £200.—*sec.* 12, *p.* 7.

For Montreal and Quebec,—special directions to them as to extra polling places and Deputies.—*sec.* 14, *p.* 8.

After granting a Poll on Nomination Day, to proclaim from Hustings the day and places at which separately in each Parish, Township or Union of Townships, Ward, or part of a Parish or Township, the votes shall be taken.—*sec.* 16, *p.* 10.

And to allow an interval of six and not more than ten days between such Nomination Day and such day for taking the votes.—*ibid.*

And to specially designate and describe such places.—*ibid.*

And then adjourn the proceedings to one of the said ten days as the day for closing the election.—*ibid.*

Not to appoint a Sunday nor any of the days named in section as holy-days for taking the Poll, which must be taken on two consecutive days, (unless holy-day intervene) and no more, beginning on each day at nine in the forenoon, and closing at five in the afternoon.—*sec.* 17, *p.* 10.

To appoint a Deputy for every Poll by Commission according to form F. *p.* 38.—*sec.* 18, *p.* 10.

May administer Oath No. 3, *p.* 38.—*ibid. p.* 10.

To appoint as Deputy in Upper Canada, for each Township or Union of Townships, the Town Clerk, but if he be absent or sick, the Assessor or Collector.—*Sec.* 18, *p.* 10.

By Warrant in form K, page 71, to require Deputy to open the Poll and record votes of the electors.—*sec.* 19, *p.* 11.

On day fixed for closing election to repair at appointed hour to place at which it was opened, and before electors count and add up Poll Books, and proclaim as Member or Members the persons having the majority of votes.—*sec.* 23, *p.* 13.

But not unless all the Poll Books have been returned to him.—*ibid. p.* 14.

In such case to adjourn from day to day until he shall have received all the Poll Books, assigning publicly the reason of such adjournment, but not to adjourn to holy-day but to the next day, and in no case so as to prevent his returning the Writ on the day appointed.—*sec.* 24, *p.* 14.

Immediately after the Proclamation of the Members, to execute Indenture in form O, *p.* 75, in duplicate or triplicate, and transmit one copy to Clerk of the Crown in Chancery.—*sec.* 25, *p.* 14.

How he shall proceed in case any Poll Book shall be missing.—*sec.* 26, *p* 14.

To make copies of Poll Books, and within ten days deposit same with Registrar of Deeds, for public inspection, with liberty to take copies on payment of one shilling.—*sec.* 27, *p.* 15.

To transmit original Poll Book with Writ and his Return to Clerk of the Crown in Chancery, within 15 days after the close of election.—*sec.* 27, *p.* 15.

Henceforth to have no power to grant or make scrutiny of votes, excepting only the usual scrutiny of each vote before it is recorded.—*sec.* 28, *p.* 15.

May require of candidate a description of the property on which he qualifies.—*sec.* 48, *p.* 25.

But not if candidate have previously made a voluntary declaration and description.—*sec.* 49, *p.* 25.

Must give candidate written acknowledgment of having voluntarily made the declaration in question, under a penalty of £50.—*sec.* 49, *p.* 26.

receive certified declaration by whomsoever delivered to him, if delivered before the close of the election, as full compliance with the law.—*ibid.*

May arrest disturbers of the peace by written or verbal order, commit to prison, bail, try, and convict any such with the same powers that Justice of the Peace has.—*sec.* 50, *p.* 26.

All persons must aid and obey order of, under penalty of £5—*ibid. p.* 27.

On requisition in writing by candidate, agent or two or more electors, to swear in Special Constables.—*sec.* 51, *p.* 27.

May demand arms, weapons, &c., from persons at elections,—refusal to surrender punishable by fine and imprisonment.—*sec.* 52, *p.* 27.

To receive by warrant the amount of *fees* payable to officers employed at election, and distribute the same and report to Governor.—*sec.* 66, *p.* 32.

One copy of this Act for self, and one for each of his Deputies, to be sent with Writ of Election, with copious Index prefixed. *sec.* 67, *p.* 33.

RIDINGS: persons qualified to vote at elections for.—*sec.* 30, *p.* 16. See "elector."

SCRUTINY: none henceforth to be granted by Returning Officer or Deputy.—*sec.* 28, *p.* 15.

SHERIFFS: In Lower Canada to be *ex officio* Returning Officers for Cities and Towns in their jurisdiction.—*sec.* 2, *p.* 2.

In Upper Canada to be *ex officio* Returning Officers for Counties or Ridings in jurisdiction, if resident therein.—*sec.* 3, *p.* 3.

Also in Upper Canada for Cities and Towns in jurisdiction.—*sec.* 3, *p.* 3.

Of Home District, Returning Officer of West Riding of County of York.—*sec.* 3, *p.* 3.

SPECIAL CONSTABLES: Returning Officer and Deputy may swear in at elections.—*sec.* 50, *p.* 26.

Upon written requisition of candidate, agent, or two or more electors, must be sworn in.—*sec.* 51, *p.* 27.

STEALING, or mutilating Poll Book, Writ, or any election document, declared a felony punishable with 7 years' imprisonment at hard labour in Penitentiary.—*sec.* 62, *p.* 30.

STRANGERS coming armed to elections, penalty £25, and 6 months imprisonment.—*sec.* 58, *p.* 29, and *sec.* 61, *p.* 30.

SUIT, brought for penalty prescribed against voter for voting without due qualification, the burden of proof to be on the Defendant.—*sec.* 44, *p.* 24.

Against party giving or receiving bribe, may be brought in any Court of Record.—*sec.* 55, *p.* 28.

For penalties under this Act Plaintiff need only state that Defendant is indebted in a certain amount, and name the particular offence.—*sec.* 64, *p.* 31.

Must be brought within nine months after the offence.—*ibid.*

TEACHER, of Religion, cannot be Returning Officer.—*sec.* 6, *p.* 4.

TENANT: occupancy of house as a dwelling and payment of rent for 12 months of £11 2s 2½d currency, to give right to vote for Cities and Towns.—*sec.* 33, *p.* 18. See "elector."

But not if the house have been provided for the party by the Government or by any Company or Society unless he shall have contracted to pay and *bonâ fide* have paid one year's rent.—*sec.* 35, *p.* 20.

TOWNS: in Lower Canada, Sheriffs to be *ex officio* Returning Officer.—*sec.* 2, *p.* 2.

Who shall be voters therein.—*sec.* 3, *p.* 3. See "electors."

When voter's property is partly without the limits, the "dwelling house" must be within to entitle to vote.—*sec.* 37, *p.* 20.

Henceforth cease to form part of Counties or Ridings for the election of Members of Legislative Assembly.—*sec.* 65, *p.* 31.

TOWN CLERK: to be appointed Deputy Returning Officer.—*sec.* 18, *p.* 10.

THREAT if used to influence the vote of an elector, to unseat the Member against whom it shall be proved.—*sec.* 54, *p.* 28.

USUFRUCTUARY in *Lower Canada*, to vote where another has merely the right of property.—*sec.* 38, *p.* 21.

WATERLOO, Township of, in County of Waterloo.—Time of polling may be extended on requisition of electors.—*sec.* 68, *p.* 33.

WEAPONS, offensive, must be surrendered on demand of Returning Officer or Deputy, penalty of refusal £5, or imprisonment for three months, or both.—*sec.* 52, *p.* 27. Strangers coming with, to elections, or resident electors coming armed within two miles, penalty £25, and imprisonment for six months.—*sec.* 58, *p.* 29, and *sec.* 51, *p.* 30.

WILMOT, Township of, in County of Waterloo, time of polling may be extended on requisition of electors.—*sec.* 68, *p.* 33.

WOMAN cannot vote at any election.—*sec.* 46. *p.* 24.

WRIT OF ELECTION, to be addressed only to Sheriffs and Registrars.—*sec.* 4, *p.* 3.

Excepting where, from death or incapacity, a special Returning Officer has been appointed by the Governor General.—*sec.* 5. *p.* 3.

Must be read at Hustings on Nomination Day, in both languages in Lower Canada, and in English in Upper Canada.—*sec.* 12, *p.* 8.

Stealing, obliterating or injuring, felony, and seven years' Penitentiary.—*sec.* 62, *p.* 30.

One copy of this Act for Returning Officer, and one for each of his Deputies, with copious alphabetical Index, to be sent with Writ.—*sec.* 67, *p.* 33.

ANNO DUODECIMO.

VICTORIÆ REGINÆ.

CAP. XXVII.

An Act to repeal certain Acts therein mentioned, and to amend, consolidate, and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

[*30th May*, 1849.]

Preamble.

WHEREAS it is expedient to amend, consolidate, and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several Acts of the Parliaments of the late Provinces of Lower and Upper Canada and of the Parliament of Canada, hereinafter in this section mentioned, shall be, and the same are hereby repealed, that is to say: the Act of the Parliament of the late Province of Lower Canada, passed in the fifth year of the Reign of His late Majesty, King George the Fourth, chapter thirty-three, and intituled, "An Act to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Election of Members to serve in the Assembly of this Province, and to the duty of Returning Officers, and for other purposes,"—and the Act of the same Parliament, passed in the Session held in the tenth and eleventh years of the same reign, chapter fifty, and intituled, "An Act to amend a certain Act passed in the fifth year of His Majesty's reign, for the purpose of consolidating the Laws relating to Elections,"—and the Act of the Parliament of the late Province of Upper Canada, passed in the second Session held in the fourth year of the reign of His said late Majesty, chapter three, and intituled, "An Act to repeal the several Statutes of this Province respecting the Election of Members of the House of

Certain Acts and part of Acts repealed.

Act of L. C. 5 G. 4. c. 33.

Act of L. C. 10 & 11 G. 4, c. 50.

Act of U. C. 4 G. 4, c. 3.

Assembly, and the qualification of Voters and Candidates at such Elections, and to reduce the provisions thereof, with some amendments, into one Act, and also to provide against fraud in obtaining qualifications to vote at Elections,"—and the Act of the same Parliament, passed in the Session held in the third year of the reign of His late Majesty King William the Fourth, chapter eleven, and intituled, " An Act to make perpetual an Act passed in the thirty-third year of the reign of His Majesty King George the Third, intituled, ' An Act to provide for the ' appointment of Returning Officers of the several Counties of ' this Province,' and to make provisions respecting the duties of Returning Officers, and expenses attending Elections,"—and the Act of the same Parliament, passed in the Session held in the fourth year of the same reign, chapter fourteen, and intituled, " An Act to repeal part of and amend an Act passed in the fourth year of the reign of His late Majesty George the Fourth, intituled, ' An Act to repeal the several Statutes of this ' Province respecting the Elections of Members of the House of ' Assembly, and the qualifications of Voters and Candidates at ' such Elections, and to reduce the provisions thereof, with ' some amendments into one Act, and also to provide against ' fraud in obtaining qualifications to vote at Elections,' "—and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of the reign of Her Majesty, chapter fifty-two, and intituled, " An Act to compel all Candidates at any future Elections for Members of the Legislative Assembly to make and subscribe detailed declarations of the property by them possessed, and under which they qualify,—and the Act of the same Parliament, passed in the Session held in the sixth year of the same reign, chapter one, and intituled, " An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned ;" and all other Acts, enactments or provisions of law repugnant to or inconsistent with this Act : Provided always, that all Acts, enactments and provisions of law repealed by the Acts hereby repealed, or any of them, shall remain repealed, notwithstanding the repeal of the said last mentioned Acts.

Act of U. C. 3 W. 4, c. 11.

Act of U. C. 4 W. 4, c. 14.

Act of Canada, 4 & 5 V. c. 52.

Act of Canada, 6 V. c. 1.

General repeal. Proviso : repealed Acts not to revive.

In L. C. Sheriffs to be Returning Officers for the Cities and Towns.

If there be more than one person in the Office.

And the Registrars of Deeds for the Counties.

II. And be it enacted, in and by the present section, which shall have force and effect in Lower Canada only, That the Sheriffs for the time being for the several Districts of that part of the Province, shall be *ex officio* Returning Officers for the respective Cities or Towns over which their authority as such Sheriffs shall extend ; and in case there should be two or more persons appointed to perform the office of Sheriff for any one of the said Districts, then the Writ of Election shall be directed to either of them, and the person to whom the Writ of Election shall have been directed, shall alone act as such Returning Officer ; and that the Registrars of deeds and titles, for the time being, for the several Counties in Lower Canada, shall be *ex officio* Returning Officers for the respective Counties over which their authority as such Registrars shall extend ; and in case

there should be two or more Registrars in any of the said Counties, according to the several divisions made thereof for registry purposes, then the Writ of Election shall be directed to any one of such Registrars, and the Registrar to whom the Writ of Election shall have been directed shall alone act as such Returning Officer.

If there be more than one Registrar in a County.

III. (1) And be it enacted, in and by the present section, which shall have force and effect in Upper Canada only, That the High Sheriffs for the time being for the several Districts in that part of the Province, shall be *ex officio* Returning Officers for such Counties or Ridings over which their authority as such Sheriffs shall extend, and in which they shall respectively reside, and also for the respective Cities and Towns, sending Members to Parliament within the limits of such Counties or Ridings, and that for the several other Counties for which the Sheriff shall not be *ex officio* Returning Officer as hereinbefore provided, the Registrars of Deeds therein for the time being shall be *ex officio* Returning Officers: Provided always, that the High Sheriff of the Home District, shall also be *ex officio* Returning Officer for the West Riding of the County of York, and that the said Registrar for the time being of the said County of York, shall be *ex officio* Returning Officer for the East Riding and North Riding of the said County.

In U. C. High Sheriffs to be Returning Officers for their Counties, Cities and Towns therein, if resident, and where the Sheriff is not Returning Officer, the Registrar to be so.

IV. And be it enacted, That whenever a Writ of Election is issued for the Election of a Member or Members to serve in the Legislative Assembly of this Province for any of the said Counties, Ridings, Cities or Towns, the same shall be addressed and directed to the said Sheriffs and Registrars respectively, as the case may be, according to the requirements of this Act.

Writs of Election to be addressed accordingly to the Sheriffs and Registrars.

V. And be it enacted, That in case any of the said Sheriffs and Registrars should be a Member of the Legislative Council of this Province, he shall be, to all intents and purposes, disqualified and incapacitated from acting as Returning Officer; and in that case, as well as in the case of the death of any Sheriff or Registrar, or of his being absent from this Province, or incapacitated by sickness from performing the duties of Returning Officer, then it shall be lawful for the Governor General of this Province to appoint, as heretofore, any qualified person to be Returning Officer in the place of such Sheriff or Registrar: Provided always, that no person other than a Sheriff or Registrar as aforesaid, shall be so appointed or act as such Returning Officer for any County, Riding, City or Town in this Province, unless at the time of his appointment, such person be an elector

Another Returning Officer to be appointed if the Sheriff or Registrar be incapacitated.

Proviso: qualification of any person so appointed.

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(1) Vide 14 & 15 Vict., ch. 108, sect. 2, repealing this section 3rd.

Also, 7th section of 16 Vict., ch. 152.

for such County, Riding, City or Town, then duly and legally qualified to vote at the election of a Member or Members for the same, nor unless he shall have continually resided therein during at least twelve months immediately preceding his appointment; and that any person who shall be so appointed and shall act as Returning Officer for any one of the said Counties, Ridings, Cities or Towns, without possessing the qualifications hereinabove required, shall thereby incur a penalty of fifty pounds current money of this Province.

Penalty for acting without qualification.

Certain parties excluded from serving as Returning Officers, &c.

VI. And be it enacted, That none of the persons hereinafter designated in this section, shall in any case be appointed or act as such Returning Officer as aforesaid, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say:

The parties.

First. The Members of the Executive Council.

Second. The Members of the said Legislative Council.

Third. The Members of the said Legislative Assembly.

Fourth. Any Minister, Priest, Ecclesiastic, or Teacher, under any form or profession of religious faith or worship.

Fifth. The Judges of the Courts of Superior Civil and Criminal Jurisdiction, as well as the Judges of Circuit Courts and District Courts.

Penalty on parties excluded, acting as Returning Officers.

Sixth. All persons who may have served in the Parliament of this Province as Members of the said Legislative Assembly, in the session next immediately preceding the election in question, or in the then present session, if the election shall take place during a session of the said Parliament, and if any one of the persons above mentioned in this section shall be appointed to act and shall act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall incur a penalty of twenty-five pounds, current money of this Province.

Certain parties exempted from serving.

VII. And be it enacted, That none of the persons hereinafter mentioned in this section, unless they be such Sheriffs or Registrars, or Town Clerks or Assessors, shall be obliged to act as such Returning Officer, or Deputy Returning Officer, or as such Election Clerk or Poll Clerk, that is to say:

First. Physicians and Surgeons.

Second. Millers.

Third. Post-Masters.

Fourth. Persons being sixty years of age, or upwards.

Fifth. Persons who shall have previously served as Returning Officers.

Penalty on parties not exempted, refusing to serve as Returning Officers.

VIII. And be it enacted, That every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who shall refuse to perform the duty of Returning Officer, at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of fifty pounds currency of this Province, unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, shall in fact have claimed such exemption within two days next after the receipt of such Writ of Election.

Duty of the Returning Officer on receiving the Writ of Election.

Proclamation.

Its form and contents.

Posting up of Proclamation.

Place of Election.

Hour.

Polling days.

Place of posting up Proclamation in Cities and Towns;

In Counties in U. C;

IX. And be it enacted, That each Returning Officer shall, on receiving the Writ of Election forthwith endorse thereon the date of its reception; and within eight days next after the day of such reception, he shall, by a Proclamation under his hand, issued in the English language in Upper Canada, and in the English and French languages in Lower Canada, and in the form A of the Schedule annexed to this Act, fix the place, day and hour, at which he will proceed to hold the Election; and he shall cause such Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which by such Proclamation he shall have fixed for holding the said Election, which day so fixed shall be called the Nomination Day; and the place to be so fixed by the Returning Officer, shall be in the public place most central and most convenient for the great body of the Electors in the County, Riding, City or Town for which he shall then be acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon and two o'clock in the afternoon, of the day so by him fixed for opening such Election as aforesaid; and in and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a Poll be demanded and granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each Parish, Township, or union of Townships, or Ward, or part of a Parish or Township, (as the case may be,) for taking and recording the Votes of the Electors according to law; if the Election be for a City or Town, he shall cause the said Proclamation to be posted up, in Upper Canada, at the City or Town Hall, and in some public place in each Ward of such City or Town, and in Lower Canada, at the door of at least one Church or Chapel, or other place of Public Worship, and in some public place in each Ward of such City or Town; and if the Election be for a County or Riding, he shall cause the said Proclamation to be posted up, in Upper Canada, at the Town Hall where there is one, and in at least one other public place in each Township or union of Townships of such County or Riding in which such Election shall be held, and, in Lower Canada, at the door of at least one Church or Chapel, or other place of Public Worship, where there is one,

In Counties in L. C.

and in at least one other public place in each Parish, Township or extra-Parochial place in such County; and if it shall happen that only part of any Parish, Township or extra-Parochial place in Lower Canada shall be within such County, he shall cause the said Proclamation to be posted up in such part only, in the manner above prescribed; and that neither the day of nomination nor that of the posting of such Proclamation, shall be included within the said eight days: and any Returning Officer who shall refuse or neglect to cause such Proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of twenty-five pounds currency.

How the eight days' notice shall be reckoned.

Penalty for neglect.

Returning officer to take an oath of office.

X. And be it enacted, That each Returning Officer, shall, before the said day by him fixed for opening the Election, make and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath number One, in the Schedule to this Act annexed; and such Justice of the Peace shall, under a penalty of ten pounds currency, in case of refusal, deliver to him, under the hand of such Justice, and in the form B of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his Return to the Writ of Election; and any Returning Officer who shall refuse or neglect either to make and subscribe the said Oath, or to annex it with the said certificate to his Return, shall, for such refusal or neglect, incur a penalty of ten pounds currency.

Justice administering it, to grant a certificate.

Penalty for refusing to take the oath.

Returning Officer to appoint an Election Clerk who shall be sworn, &c.

XI. And be it enacted, That each Returning Officer shall, before the day of nomination, appoint by a Commission under his hand, in the form C of the said Schedule, a fit and proper person to be his Election Clerk and to assist him in the performance of his duties as Returning Officer; and such Election Clerk shall make and subscribe, either before some Justice of the Peace for the County or District in which he resides, or before the said Returning Officer, the Oath number Two, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he shall have been sworn, and under his hand, a certificate in the form D of the said Schedule; and any person so appointed as Election Clerk, who shall refuse to accept the said Office, or who, having accepted it, shall refuse or neglect to take and subscribe the said Oath hereby above required of him, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of ten pounds currency; Provided always, that it shall be lawful for the said Returning Officer, either before or after the day of nomination, to appoint, in the manner above mentioned, another person as his Election Clerk, whensoever the case may require, either by reason of the death, illness, or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall be bound to perform all the duties, and

Penalty on persons refusing to perform the duty.

Proviso: Another Election Clerk may be appointed in certain cases.

comply with all the obligations of his Office under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases; and whenever any Returning Officer shall become unable to perform the duties of his Office, whether by death, illness, absence or otherwise, the Election Clerk, so by him appointed as aforesaid, shall have power and is hereby required, under the same penalties in case of refusal or neglect on his part as are hereinabove imposed in like cases on the Returning Officer, to act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that Office, (which in such case he is hereby authorized and required to do,) in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new Oath for that purpose; and in any such case, the Election Clerk shall annex to his Return to the Writ of Election the said certificate of the Oath he shall have taken as Election Clerk, and also the Oath itself.

Duty of Election Clerk in case the Returning Officer shall be unable to perform his duty.

What shall be annexed to the Return in such case.

XII. And be it enacted, That each Returning Officer shall, at the time and place by him fixed as aforesaid for opening the Election, proceed to the Hustings, (which shall be held in the open air at such place as that all the Electors may have free access thereto,) and shall make, or cause to be made, in the English and French Languages in Lower Canada, and in the English Language in Upper Canada, in the presence of the Electors there assembled at the Hustings, a Proclamation in the form E of the said Schedule, and shall then and there read, or cause to be read publicly, in the English language in Upper Canada, and in the English and French languages in Lower Canada, the Writ of Election, and his Commission as Returning Officer when he shall have been appointed Returning Officer by Special Commission for such purpose, and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Assembly in obedience to the said Writ of Election; and if the Candidates, or their respective Agents, and the Electors then and there present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said electors as aforesaid, and if after such show of hands a Poll be not demanded in the manner hereinafter mentioned, the said Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen, to be duly elected a Member or Members to represent in the Legislative Assembly, the County, Riding, City or Town for which such Election shall be had; but if a Poll be demanded (and any Elector present, or any Candidate either in person or by his Agent, shall have a right to demand a Poll), then it shall be the duty of the Returning Officer, and he is hereby required to grant such Poll for taking and recording the Votes of the Electors in the manner prescribed by this Act: and when at any such Election a

Proceedings of the Returning Officer on the day of Election.

Proclamation; reading of Commission, &c.

If no Poll be demanded.

If a Poll be demanded.

Penalty for not granting a Poll if demanded.

Poll shall be demanded as aforesaid, if the Returning Officer shall refuse or neglect to grant the same, the Election shall be *ipso facto* null, and such Returning Officer shall, for such refusal or neglect, incur a penalty of two hundred pounds currency.

Proceedings when a Poll is demanded.

How and where such Poll shall be had; In U. C. in Counties; In Cities and Towns; In L. C.

XIII. And be it enacted, That when at any Election as aforesaid a Poll shall have been demanded and granted in the manner prescribed by this Act, such Poll shall be opened and kept separately in each Parish, Township or union of Towhships, or Ward, or part of a Parish or Township (as the case may be) which shall lie within such County, Riding, City or Town, that is to say: in Upper Canada, in Counties and Ridings, in some building at or near the place where the last Township Meeting was held; and in Cities and Towns, at the most convenient place in each Ward; and in Lower Canada, at the most public and convenient place for the body of the Electors in such Parish, Township or Ward, or part of a parish or Township, either in the open air or in some building close to the public highway: Provided that such building, whether in Upper or Lower Canada, be not a Tavern or place of public entertainment, and that there be free access thereto to every Elector: And at such Election the Electors shall vote at the Polling place so opened and kept in the Parish or Township or union of Townships, or Ward, or part of a Parish or Township within the limits whereof the property shall lie, upon which they shall respectively claim the right of voting at such Election, and not at any other Polling place: and if any Elector (except in the case hereinafter mentioned of a Tenant who may have resided in different Wards) shall vote at any other Polling place, he shall thereby incur a penalty of ten pounds currency.

Proviso: no Poll to be at a Tavern, and free access to be afforded.

At what Polling place each Elector shall vote.

Penalty for voting elsewhere.

In certain Wards of Quebec and Montreal, their Polling places to be appointed.

XIV. Provided always, and be it enacted, That three Polling places shall be appointed by the Returning Officer in each of the following Wards of the City of Montreal, that is to say: the Saint Anne's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Louis Ward, the St. James Ward, and the Saint Mary's Ward, and in the Saint Roch's Ward and the Saint John's Ward of the City of Quebec; and three Deputy Returning Officers shall be appointed for each of the said Wards by the Returning Officer for the City in which they respectively lie, and shall have like powers and duties with the other Deputy Returning Officers to be appointed under this Act; and the Polling places in each of the said Wards shall be selected by the Returning Officer, in such manner as in his judgment will afford the greatest facility to the Electors residing in different parts of the Ward to give their votes, without going further than is necessary from their respective places of residence; but each Elector entitled to vote in any Ward may vote at any one of the Polling places in such Ward: Provided also, that the said Cities of Quebec and Montreal shall, for all the purposes of this Act, remain divided into Wards, and such Wards shall remain bounded as they now are by law, notwith-

Proviso: Wards in the said Cities to remain as at

standing any change which may be hereafter made in the division of either of the said Cities into Wards, or in the boundaries of such Wards, for municipal or other purposes, unless by the Act establishing such new division or boundaries, it shall be expressly provided that the same shall be used for the purposes of this Act and of the Election of Members of the Legislative Assembly.

present for election purposes, though altered for others.

XV. And be it enacted, in and by the present Section, which shall have force and effect in Lower Canada only, That for the purpose of voting under the provisions of this Act, the word "Parish," shall be understood wherever it occurs in this Act, to include any tract of land which at the date of the Writ of Election shall be generally reputed to form a Parish, whether such tract have or have not been wholly or in part originally erected into a Parish, either by the Civil authorities or by a Decree of the Ecclesiastical authorities; and when in any County there shall be an extra-parochial place, every Elector qualified to vote at the Election upon property lying within the limits of such extra-parochial place, may vote at that one of the Polling places opened and kept as aforesaid in the said County which shall appear to him most convenient: and when only part of any Parish, or any tract of land reputed to be a Parish within the meaning of this Section, or of any Township, shall lie within the County, no Polling place shall be opened within such part, unless there be therein at least one hundred proprietors of lands or tenements, qualified to vote at such Election; and when any such part shall not be entitled to have a Polling place, or where no Polling place shall be therein opened and kept in conformity to this Act, any Elector qualified to vote at the Election, upon any property lying within such part, may vote at such Election at that one of the Polling places opened and kept in the said County, which shall to him appear most convenient.

Interpretation of the word Parish as regards L. C.

As to extra-parochial places.

When part only of a Parish lies within any County.

XVI. And be it enacted, That when at any such Election for a County, Riding, City or Town, a Poll shall have been demanded and granted in the manner provided by this Act, the Returning Officer, immediately after having granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclamation, and the place at which the Poll shall be so opened separately in each Parish, Township or union of Townships, or Ward, or part of a parish or Township (as the case may be) for the purpose of then and there taking and recording the votes of the Electors according to law; and the said Returning Officer shall allow at least six days and not more than ten to elapse between the day so by him fixed as aforesaid for opening the Election, and the day by him fixed for opening the Poll, at separate places as aforesaid; and after having so proclaimed from the hustings the day and the places fixed for opening such Poll as aforesaid (which places shall be then by him

Day of opening the Poll to be proclaimed from the Hustings.

Delay between Election and Poll.

Adjournment of the Election until after the Poll.

specially designated and described), the Returning Officer shall adjourn his proceedings in such Election to another certain day, which shall be called the Day of the closing of the Election, and which shall be one of the ten days next following that which he shall have previously fixed as aforesaid for opening the said Poll, in the manner hereinbefore mentioned.

Poll not to be held on Sundays or certain holidays.

Polling days to be the same for each Division of the County, City, &c, and to be two in number and consecutive, unless Sundays or holidays intervene.

XVII. And be it enacted, That the day to be so fixed and proclaimed by the Returning Officer for opening the Poll at separate places as aforesaid, shall not be a Sunday, New Year's day, the Epiphany, the Annunciation, Good-Friday, the Ascension, *Corpus Christi*, St. Peter and St. Paul's day, All Saints day, the Conception, or Christmas day; and that such day shall be the day for each Parish, Township or union of Townships, or Ward, or part of a Parish or Township (as the case may be), and the Poll shall be opened and held on that day and the next following day only, so that there be two days polling in each Parish, Township or union of Townships, Ward, or part of a Parish or township, (as the case may be); and such two days shall be two consecutive days, unless one of such days be a Sunday or one of the holidays hereinbefore mentioned, in which case such Poll shall be opened and held on the next following day, in such manner always that there may be in each Parish, Township or union of Townships, Ward, or part of a Parish or Township, (as the case may be), two days of polling for taking and recording the votes of the Electors according to law; and during such two days of polling, the voting shall commence at Nine o'clock in the forenoon, and shall finish at Five in the afternoon of each of the said days.

Hours of voting.

Deputy Returning Officers to be appointed to hold the Polls.

XVIII. And be it enacted, That for the purpose of taking the votes at any such Election as aforesaid, the Returning Officer shall, by a Commission under his hand and in the form F of the said Schedule, appoint a Deputy Returning Officer for each Parish, Township or Union of Townships, or Ward, or part of a Parish or Township (as the case may be), in which a Polling place is to be opened and kept according to law, three Deputy Returning Officers being appointed for each of certain Wards in the Cities of Montreal and Quebec as hereinbefore provided; and each such Deputy Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the Oath number Three in the said Schedule, of the taking of which Oath there shall be delivered to him by the Functionary before whom he shall have taken it, a Certificate under the hand of such Functionary in the form G of the said Schedule; and any person so appointed a Deputy Returning Officer who shall refuse to accept the said office, or who after having accepted the same shall refuse or neglect either to take and subscribe the said Oath hereby required of him, or to perform the duties of a Deputy Returning Officer, shall, for such neglect or refusal, incur a

Their Oath of Office, &c.

Penalty for refusing to perform the duty.

penalty of Twenty-five pounds currency: Provided always, that the Returning Officer for every County or Riding in Upper Canada shall, and he is hereby required to appoint as such his Deputy for each Township or union of Townships in which a Polling place is to be opened and kept according to law, the Town Clerk for the time being of such Township or union of Townships, and in case of the absence, sickness or death of any such Town Clerk, then he shall appoint as such his Deputy as aforesaid, instead of such Town Clerk, the Assessor or Collector of such Township or union of Townships; and every Deputy Returning Officer, as well in Upper as in Lower Canada, shall, by a Commission under his hand, and in the form H of the said Schedule, appoint a Poll Clerk to assist him in taking the Poll according to law; and each Poll Clerk appointed as aforesaid shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the Oath number Four, in the said Schedule, of the taking of which Oath there shall be delivered to him, by the Functionary before whom it shall have been taken, a Certificate under his hand, in the form J in the said Schedule; and any person so appointed a Poll Clerk who shall refuse to accept the said office, or who, after having accepted the same, shall refuse or neglect either to take and subscribe the Oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal, incur a penalty of Ten pounds currency; Provided always, that it shall be lawful for the Returning Officer to appoint in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise; and such new Deputy Returning Officer so appointed shall be bound to perform all the duties and obligations of the said Office under the same penalties, in case of refusal or neglect on his part, as are hereinabove imposed in like cases.

Proviso: in U. C. certain localities Officers to be appointed Deputy Returning Officers.

Deputy Returning Officers to appoint Poll Clerks.

Duties of Poll Clerks—Oath of Office, &c.

Penalty for refusing to perform the duty.

Proviso; Another Deputy Returning Officer may be appointed in certain cases.

His duties, &c.

XIX. And be it enacted, That the Returning Officer shall, by a Warrant under his hand, in the form K of the said Schedule, and addressed to any of the Deputy Returning Officers by him appointed as aforesaid, require each such Deputy Returning Officer to open and hold the Poll according to law, at the time and place by him fixed as hereinbefore provided and set forth in his said Warrant, in the Parish, Township or union of Townships, or Ward, or part of a Parish or Township, (as the case may be), for which such Deputy shall have been so appointed, and to take and record at such Poll, in a Book which such Deputy shall keep or cause to be kept for that purpose, in the form L of the said Schedule, the votes of the Electors voting at the said Poll, and to return to him the said Poll Book signed with his hand and sealed with

Returning Officer to issue his Warrant for holding the Polls, &c., to each of his Deputies.

Form of Poll Book—return thereof, &c.

his seal, on or before the said day fixed by the Returning Officer for closing the Election.

Mode of recording the votes in the Poll Book.

XX. And be it enacted, That each Deputy Returning Officer shall, at the Polling place kept by him in conformity to this Act, record or cause to be recorded in such Poll Book as aforesaid, and in the order in which they shall have been given, the votes of the Electors voting at such Polling places, by entering therein the name, surname, legal addition and residence of each Elector so voting, and by shewing by the insertion of the word "Proprietor," or the word "Tenant," in the said Poll Book, whether it be as a proprietor or as a tenant that such Elector claims the right of voting at such Poll; and when any Elector shall have taken the oath required of him by this Act, the Deputy Returning Officer shall state in the Poll Book that such oath was taken by the Elector, by entering after the name of such Elector, in the column for oaths in the said Poll Book, the word "Sworn" to oath number (as the case may be), and nothing more.

As to Electors sworn.

Duty of the Poll Clerk.

XXI. And be it enacted, That each Poll Clerk shall, at the Polling place for which he shall have been appointed, aid and assist in the performance of the duties of his office, the Deputy Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Deputy Returning Officer; and in case the Deputy Returning Officer should refuse or neglect to perform the duties of his office, or shall become unable to perform them either by death, illness, absence or otherwise, and if in any such case no other Deputy Returning Officer, duly appointed by the Returning Officer in the place of the former, shall appear at the Polling place, then such Poll Clerk is hereby required, (under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer), to act at such Poll as Deputy Returning Officer, and to perform all the duties and obligations of that office, (which he is hereby in such case authorized and required to do in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose); and whenever any Poll Clerk shall, in the case hereinbefore provided, act as Deputy Returning Officer, he shall have power to appoint by a Commission under his hand, in the form H of the said Schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and to administer to such person the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed in conformity with this section shall have the same duties and obligations to perform as if he had been appointed Poll Clerk by the Deputy Returning Officer himself; and also whenever any Poll Clerk appointed under the requirements of this Act shall refuse or neglect to perform his duty as such, or shall become unable to perform it, either by death, illness, absence

To perform the duty of Deputy Returning Officer in certain cases.

In such case, he may appoint another, Poll Clerk.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint, by a Commission under his hand in the form H of the said Schedule, another person as Clerk at the said Polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act.

Poll Clerk to take a certain oath before the Poll Book is returned.

XXII. And be it enacted, That every Poll Clerk shall, after the closing of the Poll at which he shall have acted as such, but before the Deputy Returning Officer who shall have kept the same shall have returned the Poll Book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form M of the said Schedule, which oath shall thereafter be annexed to the said Poll Book; and that the Deputy Returning Officer who shall have kept and closed the Poll shall, before returning the Poll Book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace of the County or District where he resides, or before the said Returning Officer, the oath in the form N of the said Schedule, which oath shall thereafter be annexed to the said Poll Book; and the Deputy Returning Officer shall then return the Poll Book to the Returning Officer on or before the day fixed in the manner above prescribed for closing the election; and any Deputy Returning Officer or Poll Clerk who shall refuse or neglect to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty hereinafter mentioned, that is to say: any Deputy Returning Officer, a penalty of fifty pounds currency, and any Poll Clerk, a penalty of twenty pounds currency.

And also the Deputy Returning Officer.

When the Poll Book shall be returned, and to whom.

Penalties for non compliance with this section.

Proceedings on the day appointed for closing the Election Counting the Votes.

XXIII. And be it enacted, That on the day so fixed as aforesaid by the Returning Officer for closing the election, the said Returning Officer shall proceed at the appointed hour to the same place at which he shall have opened the Election and granted a Poll as aforesaid; and he shall then and there, in the presence of the electors assembled, proceed to ascertain the state of the General Poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the election in the whole County, Riding, City or Town, for which the election shall have been had; and as soon as he shall have so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such County, Riding, City or Town in the said Legislative Assembly, the person or persons who shall have a majority of the total number of votes so counted and added up which shall have been taken and recorded according to law in all the Parishes, or Townships or unions of Townships, or Wards, or parts of Parishes or Townships, (as the case may be), in such County, Riding, City or

Proclamation of the person elected.

Proviso ; if all the Poll Books have not been returned.

Town ; Provided always, that the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books shall have been returned to him by all his Deputy Returning Officers.

Proceedings to be adjourned until all the Pool Books shall be returned.

XXIV. And be it enacted, That if on the day fixed by the Returning Officer for closing the election, it should happen that one or more of the Poll Books shall not have been returned by the Deputy Returning Officer or Officers, and it should consequently become impossible for him to ascertain the total number of votes as required by the next preceding section of this Act, then such Returning Officer, instead of proceeding on the said day to examine the Poll Books which shall have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day until all the said Poll Books shall have been returned to him;

Proviso : reason of adjournment to be proclaimed.

Provided always, That in proclaiming such adjournment he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose;

Proviso ; Adjournment over any Sunday or Holiday.

and provided also, that he shall in no case adjourn such proceedings to a Sunday or to any of the Holidays hereinbefore mentioned, but if the case shall occur, he shall adjourn the proceedings to the day next after such Sunday or Holiday.

Indenture to be executed, and one copy returned with the Writ.

XXV. And be it enacted, That immediately after any Election shall be closed, by the Proclamation to be made by the Returning Officer, in manner aforesaid, of the person or persons duly elected as aforesaid, the Returning Officer shall forthwith execute under his hand and seal, and the hands and seals of at least three Electors, an Indenture of the Election in the form O of the said Schedule ; and such Indenture shall be in duplicate or in triplicate, as the case may require, and one copy shall be delivered by the Returning Officer to each person so elected, and the Returning Officer shall transmit one copy thereof to the Clerk of the Crown in Chancery, with the return of the Writ of Election.

Proceeding in case any poll Book shall be stolen, lost or destroyed.

XXVI. And be it enacted, That when any Poll Book of any such Election shall be stolen or taken from its lawful place of deposit for the time being, or shall have been lost or destroyed, or shall have been otherwise placed beyond the reach of the Deputy Returning Officer, to whom the custody of such Poll Book for the time being belonged at any time before he shall have made his return of the same to the Returning Officer, it shall be the duty of such Deputy Returning Officer, and he is hereby required to attend personally on the Returning Officer, and report to him the fact of such loss of the said Poll Book, and it shall be also the duty of the Poll Clerk of such Deputy Returning Officer, so soon as he shall have been informed of such loss personally or by letter, either by or from such Deputy

Returning Officer, or the Returning Officer himself, or shall have had other good reasons for believing that such loss had occurred, forthwith to attend personally on such Returning Officer, and it shall be the duty of such Returning Officer to examine such Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and subscribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book; and the number of votes that the said Returning Officer shall by this means find to have been recorded in such Poll Book for each Candidate at such Election, shall be included in his summing up of the Votes of such Election, as if the same had been taken from such Poll Book: Provided always, nevertheless, that if either the Deputy Returning Officer, or the Poll Clerk shall omit to attend on such Returning Officer as hereby required of them, or shall refuse to be sworn or affirmed by such Returning Officer as aforesaid, they shall be each subject to a Penalty of Fifty Pounds, and in case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the Common Gaol of the County or District, until thence discharged by an order of the said Legislative Assembly in that behalf.

Examination of Deputy Returning Officer and Poll Clerk, &c.

Proviso: Punishment of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

XXVII. And be it enacted, That it shall be the duty of each Returning Officer to make or cause to be made exact copies of all the Poll Books which shall have been returned to him by his several Deputies, and within ten days after the closing of the Election, to deposit such copies duly certified by him in the Office of the Registrar of Deeds and Titles for that County, or part of a County within which the place where the nomination of the Candidates at such Election shall have been made, is situate; and the said Registrars shall be bound to allow inspection thereof to any person who may demand the same on payment of a fee of one shilling currency; and to allow such person to take copy of the same at his own expense: and it shall also be the duty of the Returning Officer then to transmit the originals of the said Poll Books with the Writ of Election and his return thereupon, to the Clerk of the Crown in Chancery, within fifteen days after the closing of the Election; and the said original Poll Books, with the affidavits and certificates hereinabove required, shall in all cases be *primâ facie* evidence of the truth of the allegations therein contained.

Returning Officer to have copies of the Poll Books made, and deposit the same.

To be open to the public. Fee.

Originals to be returned with the Writ of Election.

Their effect as evidence.

XXVIII. And be it enacted, That hereafter no Returning Officer or Deputy Returning Officer shall have power to grant, make or enter into any scrutiny of the votes given at any such Election, excepting only such as may be granted and made with reference to each vote before it is recorded in the Poll Book.

Returning Officer or Deputy not to grant any scrutiny.

Who may act as the Agent of any Candidate.

XXIX. And be it enacted, That at any Election as aforesaid whether at the Hustings on the day of the opening or of the closing of the Election, or at the Polling places opened and kept for such Election, in conformity to this Act, in the absence of any person authorized in writing to act as Agent for any absent Candidate, any Elector in the interest of such Candidate, may, at any time during the election, declare himself to be and may act as the Agent of any such Candidate without producing any special authority in writing for that purpose; and that any person who, at any time, either during the Election or before the Election shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any Candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever, for any sum of money, fee, office, place or employment, shall be deemed incompetent to vote at such Election, and his vote, if given, shall be null and void, and such person shall further incur, for having so voted, a penalty of Twenty-five pounds currency.

No paid Agent, Attorney, Counsel, &c., of any Candidate to vote at the Election.

Penalty for voting.

Qualification of Electors for Counties or Ridings.

XXX. And be it enacted, That no person shall be entitled to vote at any such Election, for a County or Riding, unless at the time of giving his vote he shall be possessed, for his own use and benefit as proprietor, by virtue of some legal title vesting such property in him, either in Fee Simple or in Freehold under the tenure of free and common soccage, or in *fief* or in *roture*, or in *franc-alleu*, or by virtue of a certificate derived under the authority of the Governor in Council of the late Province of Quebec, or by virtue of any Act or Acts of the Legislature of either the late Province of Upper or Lower Canada, or of the Legislature of Canada, of Lands or Tenements lying and being in such County or Riding, and being of the clear yearly value of Forty-four shillings and five pence and one farthing currency, equal, at the time of the passing of the Act of the Imperial Parliament, passed in the thirty-first year of the Reign of His Majesty, King George the Third, commonly called "The Constitutional Act," and intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" to forty shillings sterling) or upwards, over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of the same, nor unless such person be at the time of giving his vote at such Election, and shall have been in actual

Imperial Act. 31 G. 3, c. 31 cited.

During what time the quali-

and uninterrupted possession of such lands or tenements, or in the receipt of such rents and profits thereof as proprietor as aforesaid, by virtue of and under some such title as aforesaid, for his own use and benefit, during at least six calendar months next before the date of the said Writ of Election, unless the same shall have come to him by descent or inheritance, or by devise, marriage or contract of marriage, or unless the Deed of Conveyance or Patent from the Crown under which he claims to hold such Estate in Upper Canada, shall have been registered three calendar months before the date of such Writ of Election: Provided always, that any Deed or Instrument in writing containing a promise of sale (*promesse de vente*) in favor of any person claiming to vote at any such Election, and being in possession of the property mentioned in such Deed or Instrument in writing, or in favor of any other person or persons through whom he holds, shall, in Lower Canada, be considered for the purposes of this Act, as a legal title vesting such property in the person so claiming to vote: Provided nevertheless, that every such Deed or Instrument, not being a Notarial Deed or Instrument, shall have been enregistered at least twelve months before such Election: and provided also, that no person shall be entitled to vote in Upper Canada at any such Election as aforesaid by virtue of any Conveyance made to his wife after marriage, unless such Conveyance shall have been registered for three calendar months as aforesaid, or such person shall have been in possession of the Lands and Tenements mentioned in such Deed for six calendar months next before the date of the Writ of Election.

fication must have been possessed.

Exception.

Proviso.

XXXI. And be it enacted, That no person shall be entitled to vote as proprietor at any such Election, for any City or Town in this Province, unless at the time of giving his vote at such Election he shall be possessed for his own use and benefit as proprietor, by virtue of some legal title vesting such property in him, either in Fee Simple or in Freehold under the tenure of free and common soccage, or in *fief* or in *roture*, or in *franc-alleu*, or by virtue of a certificate derived under the authority of the Governor and Council of the late Province of Quebec, or by virtue of any Act or Acts of the Legislature of either the late province of Upper or Lower Canada, or of the Legislature of Canada, of a lot of ground with a dwelling house thereon, lying and being within the limits of such City or Town or of the liberties thereof, such lot and dwelling house being of the yearly value of five pounds, eleven shillings one penny and one farthing currency of this Province, (equal, at the time of the passing of the Imperial Act last above cited, to five pounds sterling) or upwards, over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of the same, nor unless such person be at the time of giving his vote at such Election, and shall have been in actual and uninterrupted possession of such lot and dwelling house, or

Qualification of Electors in Cities or Towns, as proprietors.

During what time the qualification must have been possessed.

in the receipt of the rents and profits thereof, as proprietor as aforesaid, by virtue of and under some such title as aforesaid, for his own use and benefit, during at least six calendar months next before the date of the Writ of Election, unless such lot and dwelling house shall have come to him by descent or inheritance, or devise, marriage or contract of marriage, or unless the Deed of Conveyance or Patent from the Crown, under which he claims to hold such estate in Upper Canada, shall have been registered three calendar months before the date of such Writ of Election; Provided always, that any Deed or Instrument in writing containing a promise of sale (*promesse de vente*) in favour of any person claiming to vote at any such Election, and being in possession of the property mentioned in such Deed or Instrument in writing, or in favour of any other person or persons through whom he holds, shall, in Lower Canada, be considered for the purposes of this Act as a legal title, vesting such property in the person so claiming to vote; Provided nevertheless, that every such Deed or Instrument, not being a Notarial Deed or Instrument, shall have been enregistered at least twelve months before such Election; And provided also, that no person shall be entitled to vote in Upper Canada at any such Election as aforesaid by virtue of any Conveyance made to his wife after marriage, unless such Conveyance shall have been registered for three calendar months as aforesaid, or such person shall have been in possession of the lands and tenements mentioned in such Deed for six calendar months next before the date of the Writ of Election.

Proviso.

Proviso.

Exception.

Proprietors of dwelling houses not to be disqualified by certain circumstances or agreements respecting the same.

XXXII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person being otherwise duly qualified in that behalf to vote as proprietor as aforesaid, is and shall be entitled to vote at any such Election upon or in respect of any such lot and dwelling house, whether such dwelling house shall have been erected upon the said lot by himself or those under whom he claims, or by any tenant or tenants holding under building or other leases, or by any other person or persons whomsoever, and whether there shall be or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in such lease or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which it may be let, or for any allowance in money or otherwise in lieu of such removal.

Qualification of Electors in Cities and Towns, as Tenants

XXXIII. And be it enacted, That no person shall be entitled to vote as a Tenant at any such Election for any City or Town in this Province, unless at the time of giving his vote at such election he shall reside as a Tenant within the limits of such City or Town, or of the liberties thereof, nor unless he shall have so resided as a Tenant during the period of twelve calendar months next before the date of the Writ of Election, nor unless he shall, during the same period, as such Tenant,

and as a separate Tenant, have occupied and shall occupy at the time he shall give his vote at such election, by actual residence therein, (*en y tenant feu et lieu*) a dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, lying and being within the limits of such City or Town, or of the liberties thereof, nor unless he shall have really and *bonâ fide* paid one year's rent for such dwelling house or dwelling houses, or part or parts of a dwelling house or dwelling houses, at the rate of eleven pounds two shillings and two pence half penny currency, (equal at the time of the passing of the Imperial Act last above cited, to Ten pounds, sterling) or upwards, a year; Provided always, that the year's rent so required to be paid to entitle such tenant to vote at any such Election, shall be the year's rent up to the last yearly, half yearly, quarterly or other day of payment (as the case may be) of such rent, which shall have occurred next before the date of the said Writ of Election: And provided also, that whenever such annual rent shall exceed the said sum of eleven pounds two shillings and two pence half penny currency, then, in every such case, payment of eleven pounds two shillings and two pence half penny currency, shall be deemed and taken to be a payment of rent within the requirements of this section: And provided also, that any person who shall only hold and occupy within the limits of such City or Town or the liberties thereof, a shop, a counting house, office or other place of business, and who shall not live and have his actual residence therein (*n'y tiendra pas feu et lieu*), shall not be entitled to vote at such Election; And provided also, that a change of residence in any such City or Town, or the liberties thereof, shall not in any case deprive any such Tenant of his right to vote at any such Election, provided he be in all other respects qualified to vote thereat; and in case such change of residence being from one ward to another, he shall vote only at the polling place opened and kept in the ward within the limits whereof he shall reside on the day when he shall vote at such election.

One year's Rent must have been paid.

Proviso: what shall be such year's Rent.

Proviso: Payment of £11 2s. 2½. to be sufficient.

Proviso as to occupiers of buildings not being dwelling houses.

Proviso as to change of residence.

XXXIV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That every such person, being otherwise duly qualified in that behalf to vote as tenant as aforesaid, is and shall be entitled to vote at any such election upon or in respect of any such dwelling house, whether such dwelling house shall have been erected upon the lot of ground on which the same shall stand, by himself or those under whom he claims, or by any other person or persons whomsoever, and whether there shall or shall not be any subsisting covenant, contract or agreement between landlord and tenant, either in the lease under which he shall hold or separate from it, for the removal of any such dwelling house from such lot during or at the end of any term of years for which the same may be let, or for any allowance in money or otherwise in lieu of such removal.

Tenants not to be disqualified by certain circumstances or agreements as to their dwelling houses.

Occupiers of dwellings provided for them by Her Majesty, Government Departments, Corporations, &c., not to be thereby qualified.

XXXV. And be it enacted, That any person who, being in the Civil or Military Service of Her Majesty, or of any Corporation, or Incorporated Society or Company, shall occupy within the limits of such City or Town, or the liberties thereof, any dwelling house or part of a dwelling house, which shall belong to the Crown or to any Department of Her Majesty's Government, or to such Corporation, Society or Company, or which shall have been provided for such person in any manner whatever by the Crown or any Department of Her Majesty's Government, or by such Corporation, Society or Company, whether it be or be not reckoned as part of the salary, wages or pay, which such person, by reason of such service, shall be entitled to receive or shall receive from the Crown, or any Department of Her Majesty's Government, or from such Corporation, Society or Company, shall not be entitled, by reason of his occupying any such dwelling house or part of a dwelling house, to vote at such Election, whatever be the amount of the rent or the value of the occupation (*la valeur du loyer*) of such dwelling house or part of a dwelling house so occupied by such person, and whether he do or do not actually live and have his residence therein (*y tienne ou non feu et lieu*) unless such party shall have contracted to pay, and shall *bonâ fide* have paid one year's rent for such dwelling house as aforesaid.

Exception.

As to lands partly within one County and partly within another

XXXVI. And be it enacted, That whenever at any such Election for a County or Riding, any person shall claim the right of voting as the proprietor of any lands or tenements which lie partly within such County or Riding and partly within another, the part thereof lying within the County or Riding for which the election shall be had, shall be held to be lands or tenements within the meaning of the thirtieth section of this Act, and such person may accordingly vote at such Election, provided he be in all other respects duly qualified so to do within the intent of the said thirtieth section; and when any lands or tenements, although wholly within the same County or Riding, shall nevertheless lie partly within the limits of one of the Polling places opened and kept in such County or Riding, and partly within the limits of another of the said Polling places, the person who shall be entitled to vote as the proprietor of such lands or tenements may vote at either of the said Polling places at his discretion.

And as to lands partly within one polling place and partly within another.

As to lands partly within and partly without any City or Town.

XXXVII. And be it enacted, That whenever at any such Election for any City or Town in this Province, any person shall claim the right of voting under the provisions of the thirty-first section of this Act, as the proprietor of a lot of ground lying partly within and partly without the limits of such City or Town or the liberties thereof, such person shall not be entitled to vote at such Election upon the said lot of ground, unless the dwelling house erected on such lot shall be wholly upon that part thereof which shall lie within the said limits, nor unless such person be in all other respects duly qualified with-

in the meaning of the said thirty-first section, to vote at such Election.

As to lands &c., in L. C. of which one person shall have the right of property and another the usufructuary enjoyment.

XXXVIII. And be it enacted, in and by the present section which shall have force and effect in Lower Canada only, That whenever any person shall have the mere right of property in any lands or tenements in a County, or in any lot of ground having a dwelling house thereon in any City or Town, and some other person shall have the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who shall have the mere right of property therein shall not have the right of voting upon such lands or tenements, or lot of ground, at any such Election, but in such case such usufructuary (*usufruitier*) shall alone be entitled to vote at such Election upon such lands or tenements.

Joint tenants, or tenants in common, may vote.

Proviso.

Each undivided part must be of the proper value

XXXIX. And be it enacted, That whenever the right of property in any lands or tenements in any County or Riding, or in any lot of ground having a dwelling house thereon in any City or Town, shall be vested undividedly (*par indivis*), whether as joint tenants or tenants in common, in any two or more persons, each of such persons shall have the right of voting at any such election upon his undivided part or share of such property; Provided always, that such part or share be of the yearly value of at least Two pounds four shillings and five pence and one farthing currency, as required by the thirtieth section of this Act if such lands or tenements be situate in any County or Riding, or of the yearly value of at least Five Pounds, eleven shillings and one penny and one farthing currency, as required by the thirty-first section, if such lands or tenements be situate in any of the Cities or Towns aforesaid, over and above all annual rents, whether ground rents (*rentes foncières*) or constituted rents (*rentes constituées*) or any other rents and charges payable out of or in respect of such part or share, and not otherwise: but whenever any such lands or tenements shall be vested in any Incorporated Company or Society, no one of the shareholders or partners in such Company or Society shall in any case be entitled to vote upon such property at any such Election.

Shareholders in incorporated companies or societies, excepted.

Votes objected to how to be distinguished in the Poll Book.

Situation of the property voted upon may be asked of any voter.

XL. And be it enacted, That in every case where the vote of any person shall be objected to by any Candidate or his Agent, the Deputy Returning Officer shall enter the objection in his Poll Book by writing, or causing to be written after the name of the voter, in the column for objections, the words "objected to" only mentioning at the same time by which Candidate or Candidates, or on behalf of what Candidate or Candidates the objection shall have been made, by adding after the words "objected to" the name only of such Candidate or Candidates; and whenever any Elector shall be thereunto required by the Deputy Returning Officer, or by any one of the Candidates or his Agent, such Elector shall, before his

vote be taken and recorded in the Poll Book, declare the local situation of the lands or tenements on which he claims to vote, and such declaration shall be made verbally by such Elector, by his merely mentioning either the street or streets, public square or squares on or to which such lands or tenements front or are adjacent, or the names of his neighbours so far as they may be known to him, if such lands or tenements be situate in any one of the said Cities or Towns, or by his merely mentioning the street or square, range or concession, in or on which such lands or tenements are situate, or the names of his neighbours so far as they may be known to him, if such property be in any County or Riding: and whenever such Deputy Returning Officer shall be thereunto required by any Candidate or his Agent, and not in any other case, he shall state in his Poll Book the situation of such lands or tenements by merely entering or causing to be entered therein, after the name of the voter in the column of "description," either the name of the street or streets, or of the square or squares, lot, range, or concession in which such lands or tenements are situate, or the names of the neighbours thereof in so far as they shall be known to the voter (as the case may be,) the whole according to the declaration of the situation of such lands or tenements as given by the voter.

And the answer shall be noted in the Poll Book if required by any Candidate.

Oaths to be taken by the voters, if required.

XLI. And be it enacted, That whenever any person who shall have or claim to have the right of voting at any Election, shall be thereunto required by one of the Candidates or his Agent, and not otherwise, he shall take before the Deputy Returning Officer at the Polling place at which he shall offer to vote, and before his vote shall be taken and recorded in the Poll Book, one of the Oaths or Affirmations respectively marked numbers five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, in the said Schedule, that is to say: if the Election be for a County or Riding, such person shall take, in Lower Canada, the oath or affirmation number five or six, (as the case may be,) and, in Upper Canada, the oath or affirmation number ten, eleven, twelve or thirteen, (as the case may be); if the Election be for a City or Town, he shall take, in Lower Canada, the oath or affirmation number seven or eight, (as the case may be,) and, in Upper Canada, the oath or affirmation number fourteen, fifteen, seventeen or eighteen, (as the case may be,) if he vote as a proprietor, or the oath or affirmation number nine, in Lower Canada, and number sixteen in Upper Canada, if he vote as a Tenant; and any such voter either in Upper or Lower Canada may be required to take the oath number nineteen; which said oaths or affirmations the Deputy Returning Officer is hereby authorized and required to administer, under a penalty, for any refusal or neglect so to do, of Ten pounds currency; and in case any Deputy Returning Officer shall take upon himself to administer to any such voter any of the said oaths or affirmations, without the voter having been

What oaths may be required of any voter, at a county election, at a City or Town Election, in L. C.

In U. C.

in L. C.

in U. C.

Penalty for refusing to administer such oaths.

Or for administering any oaths without

required to take the same by one of the Candidates or his Agent as aforesaid, then and in each such case such Deputy Returning Officer shall incur a penalty of Ten pounds currency; and that in case any voter shall vote as aforesaid at any such Election without having previously taken such oath or made such affirmation, when he shall have been thereunto required by one of the Candidates or his Agent, such voter shall incur a penalty of Ten pounds currency; and when any such voter shall have been so required by any of the Candidates or his Agent to take such oath or make such affirmation, and shall refuse to take or make the same, his refusal shall be stated by the Deputy Returning Officer in his Poll Book, by entering or causing to be entered, after the name of such voter, the word "refused," and in every such case the vote shall not be taken or recorded in the said Poll Book; and if any vote be in any such case taken and recorded, it shall be *ipso facto* null and void, and the Deputy Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of Ten pounds currency.

Being required.

Or for voting without taking the oath if required.

Voter refusing to take the required oath.

Penalty for recording such votes.

XLII. And be it enacted, That no person shall be entitled to vote at any such Election, unless at the time of his voting at such Election he shall be a British subject by birth or naturalization, and shall have attained the full age of twenty-one years, and in case any question shall arise when any person shall offer himself to vote at any Polling place, as to such person being at the time a British subject by birth or naturalization, such person shall be allowed to prove the same by the production of a lawful certificate of his naturalization, or at his option by taking the oath or affirmation number nineteen in the Schedule hereunto annexed, which the Deputy Returning Officer shall, if requested, administer to him.

None but British subjects of full age to vote.

XLIII. And be it enacted, That every Deputy Returning Officer at any Election for a Member or Members to represent the People of this Province in Provincial Parliament shall, during the period that his authority as such Deputy shall continue, be and he is hereby authorized and empowered to administer the oath or affirmation of allegiance to any person or persons who, under the authority of any Act or Acts either of the Parliament of this Province, or of either of the late Provinces of Lower or Upper Canada, would upon taking such oath or affirmation, become entitled to the privileges of British Birth in this Province without further residence therein, or other formality than the taking such oath or affirmation; which oath or affirmation so taken before such Deputy Returning Officer shall to all intents and purposes whatsoever have a like effect upon the civil and political rights of the party taking the same as if such oath or affirmation had been administered by any Commissioner or other Public Officer directed by such Acts or any of them.

Every Deputy Returning Officer may administer the oath of allegiance to any person who needs only such oath to become a subject by naturalization.

Penalty on unqualified persons voting.

XLIV. And be it enacted, That any person who shall have wilfully voted at any such Election, without having, at the time of his so voting, all the qualifications required by law for entitling him so to vote at such Election, knowing at the time that he was not so entitled, shall for so doing incur a penalty of Ten pounds currency, and his vote shall moreover be null and void; and in any action or prosecution brought or instituted as hereinafter provided against any such person for the recovery of the said penalty, the burden of the proof of such person having, at the time of his so voting at such Election, all the said qualifications, or for believing so, shall fall upon him and not upon the party bringing or instituting such action or prosecution; and any person who shall vote more than once at the same Election shall for so doing incur a like penalty of Ten pounds currency, and every vote he shall have given subsequently to his first vote shall be null and void.

Proof of qualification to lie on the person voting.

Penalty for voting more than once at the same election.

Penalty for fraudulently conveying lands in order to give a vote.

XLV. And be it enacted, That if any lands or tenements shall be transferred or conveyed to any person, by any title or instrument whatsoever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote at any Election, and if such person shall vote at such Election upon such lands or tenements, his vote shall be void, and he shall moreover incur a penalty of twenty-five pounds currency; and nevertheless such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, and shall transfer such lands or tenements out of and from the person who shall have so transferred or conveyed the same, and shall vest them in the person to whom they shall have been so transferred or conveyed, to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement have been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever.

But the conveyance shall be valid.

Any agreement to the contrary notwithstanding.

No woman shall vote.

XLVI. And be it declared and enacted, That no woman is or shall be entitled to vote at any such Election, whether for any County or Riding, City or Town.

Interpreter may be employed and sworn, in certain cases.

XLVII. And be it enacted, That whenever any Elector shall not understand the English language, or the French language, or shall understand neither of the said languages, it shall be lawful for any Deputy Returning Officer to make use of an Interpreter to translate any oath or affirmation which shall be required of such Elector as well as the questions which shall be put to him and his answers; and such Interpreter shall take before the said Deputy Returning Officer the oath, or if he be one of the persons permitted by law to affirm in civil cases, the affirmation following:

"I swear (*or* affirm,) that I will faithfully translate such "oaths, declarations, affirmations, questions and answers as "the Deputy Returning Officer shall require me to translate at "this Election. So help me God." His oath.

XLVIII. And whereas by the twenty-eighth Section of the said Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is enacted, "That every Candidate at such Elec- "tion, before he shall be capable of being elected, shall, if "required by any other Candidate, or by any elector, or by the "Returning Officer, make the following declaration: Recital. Union Act cited. Section 28.

"I, A. B., do declare and testify that I am duly seized at law "or in equity, as of freehold, for my own use and benefit, of "lands or tenements held in free and common soccage, (or "duly seized or possessed for my own use and benefit of lands "or tenements held in fief, or in roture, as the case may be) in "the Province of Canada, of the value of Five Hundred Pounds, "of sterling money of Great Britain, over and above all rents, "mortgages, charges and incumbrances charged upon or due "and payable out of or affecting the same, and that I have not "collusively or colourably obtained a title to or become pos- "sessed of the said lands and tenements or any part thereof, "for the purpose of qualifying or enabling me to be returned "a Member of the Legislative Assembly of the Province of "Canada:"

Be it therefore declared and enacted, That every such Candidate, when he shall be personally required as aforesaid to make the said declaration, shall, before he shall be elected as aforesaid, give and insert at the foot of the declaration hereinabove required of him as aforesaid, a correct description of the lands or tenements aforesaid on which he shall claim to be qualified according to law to be so elected, and of their local situation, by adding immediately after the word "Canada," (which is the last word in the said declaration) the following words: "And I further declare that the lands or tenements aforesaid consist of," &c., (*here insert the description above required*); and any person who, in giving the description of such lands or tenements as above required, shall knowingly and wilfully make any false statement relative to the situation, position, extent or bounds of such lands or tenements, shall be deemed guilty of a misdemeanor, and shall, on being duly convicted thereof, incur the same pains and penalties as may by law be inflicted on persons guilty of wilful and corrupt perjury. Candidate to add to his declaration under the said Section, a description of the property forming his qualification. Form of such addition. Wilfully false statement in such description to be a misdemeanor.

XLIX. And be it enacted, That it shall be lawful for any person, with a view to his becoming a Candidate at any such Election, to make, at any time, as well before as after the Declaration may be voluntarily made before hand.

date of the Writ of Election, voluntarily and without waiting to be required so to do, any such declaration as is mentioned in the next preceding Section; and that any such declaration so made voluntarily as aforesaid, shall to all intents and purposes, have the same force and effect as if it had been made after his being thereunto required according to law; but no such declaration, when any Candidate shall be required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinabove provided, need be so made by such Candidate, unless the same shall have been personally required of him on or before the day of nomination of Candidates at such Election, and before a Poll shall have been granted, and unless he shall not have already made the same voluntarily as he is hereinabove allowed to do, and not in any other case; and when any such declaration shall have been so required according to law, the Candidate called upon to make the same may do so at any time during such Election; Provided always, that it be made before the Proclamation, to be made by the Returning Officer at the closing of the Election, of the person or persons elected at such Election; and when such declaration shall be so made by any Candidate, whether voluntarily or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer or before some Justice of the Peace, or the Mayor, or one of the Aldermen of some City or Town in this Province, and such Returning Officer, Justice of the Peace, Mayor or Alderman shall take the same, and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation; and any Candidate who shall deliver or cause to be delivered such declaration so made and attested to the Returning Officer at any time before the Proclamation made by him at the closing of the Election as above mentioned in this section, shall be deemed to have complied with the law to all intents and purposes as regards such declaration; and any Returning Officer who shall be thereunto so required, shall be bound (under a penalty of Fifty pounds currency, in case of refusal) to give forthwith, after such declaration shall be delivered to him, to the Candidate or other person who shall have delivered the same, an acknowledgment under his hand of the delivery of such declaration; Provided always, that every such declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it shall have been so delivered to the Returning Officer by the Candidate or by any person on his behalf, whatever be the date of its receipt or of its attestation, and the possession of such declaration shall be *primâ facie* evidence of the possessor's having been authorized by the Candidate to deliver it to the Returning Officer.

How construed in such case.

In what cases only a candidate may be called upon to make same.

When it may be made if required.

Before whom it may be made, and how attested.

Returning Officer to certify the delivery to him of the declaration under a penalty of £50.

Proviso: what shall be deemed the date of any such declaration: and who may deliver it to the Returning Officer.

Returning Officer and his

L. And be it enacted, That from the time when any Returning Officer or Deputy Returning Officer shall have taken and

subscribed the Oath of Office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy Returning Officer, respectively, shall be and is hereby declared to be a Conservator of the Peace, and invested, for the maintenance of the peace, for the arrest, detention or admission to bail, trial and conviction of any person or persons who shall break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Province; and for the maintenance of the peace and of good order at such Election, it shall and may be lawful for each such Returning Officer or Deputy Returning Officer, respectively, to require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the Hustings or at any Polling place, to aid him in so doing, and also to swear in so many Special Constables as he shall deem necessary; and it shall be lawful for each such Returning Officer or Deputy Returning Officer, respectively, to arrest or cause to be arrested by verbal order, and to place in the custody of one or more Constables or other persons, for such time as in his discretion he shall deem expedient, any person who shall disturb the peace and good order, or to cause such person to be imprisoned for any such offence under an order signed by him, until any period not later than the final closing of the Election or of the Poll, respectively; which order, whether given verbally or in writing, all persons shall be bound to obey without delay, under a penalty for any refusal or neglect so to do of Five pounds currency: Provided always, that no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he may have become liable by reason of any thing by him done contrary to the true intent and meaning of this Act, or otherwise.

Deputies to be conservators of the Peace, during a certain time

They may require the aid of Justices of the Peace, Constables, &c., and swear in Special Constables.

May arrest disturbers or order them to be arrested, for a certain time.

Such order to be obeyed under a penalty of £5.

Proviso: such detention not to prevent other punishment.

LI. And be it enacted, That on a requisition in writing made by any Candidate or by his Agent, or by any two or more Electors, any Returning Officer or Deputy Returning Officer shall be and is hereby bound to swear in such Special Constables.

Special Constables to be sworn if required by any Candidate, &c,

LII. And be it enacted, That it shall and may be lawful for any Returning Officer or Deputy Returning Officer, during any part of the days whereon any such Election shall be to be begun, holden, or proceeded with, or on which any Poll for such Election shall be to be begun, holden, or proceeded with, to demand and receive from any person whomsoever, any offensive weapon, such as fire-arms, swords, staves, bludgeons, or the like, with which any such person shall be armed, or which any such person shall have in his hands or personal possession; and every such person, who, upon such demand, shall decline or refuse to deliver up to such Returning Officer or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine

Returning Officer or his Deputies may demand the surrender of all arms.

Penalty for refusing to surrender the same.

not exceeding Five Pounds, currency, or imprisonment not exceeding three calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the law upon such person upon his conviction.

Certain batteries during election time to be deemed aggravated assaults.

LIII. And be it enacted, That every person who shall be convicted of a battery committed during any part of the days whereon any such Election shall be to be begun, holden or proceeded with, or on which any Poll for such Election shall be to be begun, holden or proceeded with within the distance of two miles of the place where such Election or such Poll shall be to be begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Provisions against bribery and corruption.

LIV. And be it enacted, That it shall not be lawful for any Candidate at any Election, directly or indirectly, to employ any means of corruption, by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note or conveyance of land, or any promise of the same, or to threaten any Elector of losing any office, salary, income, or advantage, either by himself or his authorized Agent for that purpose, with the intent to corrupt or bribe any Elector to vote for such Candidate, or to keep back any Elector from voting for any other Candidate, nor to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors, and in case any Representative returned to Parliament shall be proved guilty of using any of the above means to procure his Election before the proper Tribunal, his Election shall thereby be declared void, and he be incapable of being a Candidate, or being elected or returned during that Parliament.

Punishment of Members against whom bribery or corruption shall be proved.

Penalty on parties giving or receiving corruptly any consideration for voting.

LV. And be it enacted, That any person who shall give, or cause to be given, or loan any sum of money, or give any office, place or employment, gratuity or reward, or any bond, bill or note, or conveyance of land or other property, or promise of the same to any Elector, in consideration of or for the purpose of corrupting him to give his vote for any Candidate, or to forbear to give his vote to any Candidate, or as a compensation to any Elector for his loss of time or expenses in going to or returning from voting, or on any other pretence whatsoever, and any voter who shall accept the same for the aforesaid purpose, shall forfeit and pay a sum not less than Five pounds, nor more than Fifty pounds in the discretion of the Court having jurisdiction of the same, with costs of suit, and which may be sued for and recovered by action or plaint in any Court of Record in this Province having competent jurisdiction.

How recoverable.

Votes corruptly given to be struck off the Poll Book.

LVI. And be it enacted, That upon it being proved before the proper Tribunal of the Legislative Assembly, at the trial of any contested Election, that any Elector voting at the said

Election had been bribed to give his vote, the name of such voter shall be struck from the Poll Book.

Entertainment not to be furnished to Electors.

LVII. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City or Town, in this Province, with intent to promote his Election, or for any other person, with intent to promote the Election of any such Candidate, either to provide or furnish entertainment at his expence to any meeting of Electors, assembled for the purpose of promoting such Election, previous to or during the Election at which he shall be a Candidate, or to pay for, procure or engage to pay for any such entertainment: Provided always, that nothing herein contained shall be construed to extend to any entertainment furnished to any such meeting of Electors, by or at the expence of any person or persons at his, her or their usual place of residence.

Except at the residence of the party furnishing it.

With certain exceptions, no stranger shall come armed into any parish, &c., while the Poll shall be open therein.

LVIII. And be it enacted, That, except for the Returning Officer for such Election, or his Deputy for such Parish, Township or Union of Townships, or Ward, or the Poll Clerk for such Parish, Township or Union of Townships, or Ward, or one of the Constables or Special Constables appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, it shall not be lawful for any person who hath not had a stated residence in such Parish, Township or Union of Townships, or Ward, for at least six calendar months next before the day of such Election, to come during any part of the days upon which such Poll shall be to remain open, into such Parish, Township or Union of Townships, or Ward, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like, or for any person whomsoever being in such Parish, Township, Union of Townships or Ward, to arm himself during any part of either of such days with any such offensive weapons, and thus armed to approach within the distance of two miles of the place where the Poll for such Parish, Township or Union of Townships, or Ward, shall be held, unless called upon to do so by lawful authority.

Nor shall any armed person approach within two miles of the Poll.

Party Ensigns, Flags, &c., not to be carried during any Election or within eight days before it.

LIX. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City or Town in this Province, or for any other person, to furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such County, Riding, City or Town, on the day of Election, or within eight days before such day, or during the continuance of such Election, by such person or any other, as a party flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any reason to carry or use any such ensign, standard, set

of colours or other flag, as a party flag, within such County, Riding, City or Town, on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Party Badges, &c., not to be used, during a like time.

LX. And be it enacted, That it shall not be lawful for any Candidate for the representation of any County, Riding, City or Town in this Province, or for any other person, to furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such County, Riding, City or Town, on the day of Election, or within eight days before such day, or during the continuance of such Election, by such person or any other as a party badge to distinguish the wearer as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any person to use or wear any ribbon, label, or other favor, as such badge within such County, Riding, City or Town, on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Punishment for contravening the four next preceding sections.

LXI. And be it enacted, That every person offending against any of the provisions of the next four preceding sections of this Act, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding Twenty-five pounds, or imprisonment not exceeding six calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the law upon such person upon his conviction.

Persons stealing or destroying, &c., the Writ, Return, Indenture, &c., relating to any Election, to be guilty of felony.

LXII. And be it enacted, That if any person shall steal or unlawfully or maliciously, either by violence or stealth, take from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of Deposit for the time being, or shall unlawfully or maliciously destroy, injure or obliterate, or shall aid, counsel or assist in so stealing, taking, destroying, injuring or obliterating any Writ of Election, or any Return to a Writ of Election, or any Indenture, Poll Book, Certificate or Affidavit, or any other document or paper, made, prepared, or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than three years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and it shall not, in any indictment for any such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

Punishment of such persons.

What need not be stated in the indictment.

Oaths, &c., under this Act to be administered gratuitously.

LXIII. And be it enacted, That any person before whom it is hereby required that any oath or oaths shall be taken, or any affirmation or affirmations made in the manner herein provided, shall be and is hereby authorized and required to administer such oath or oaths, affirmation or affirmations gratuitously.

How penalties under this Act shall be recoverable.

LXIV. And be it enacted, That all penalties hereby imposed shall be recoverable, with full costs of suit, by any person who shall sue for the same by action of debt, bill, plaint or information, in any of Her Majesty's Courts in this Province having competent jurisdiction; and that in default of payment of the amount which the offender shall be condemned to pay within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol of the District until he shall have paid the amount which he shall have been so condemned to pay and the costs; and it shall be sufficient for the plaintiff in any action or suit given by this Act, to state in the declaration that the defendant is indebted unto him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant had acted contrary to this Act, without mentioning the Writ of Election or the Return thereof; and it shall be sufficient in any indictment or information for any offence committed contrary to this Act, to allege the particular offence charged upon the defendant, and that the defendant is guilty thereof, without mentioning the Writ of Election or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election, nor shall it be necessary on the trial of any suit or prosecution under this Act, to produce the Writ of Election or the Return thereof or the authority of the Returning Officer founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence: Provided always, that every action, suit or information given by this Act, shall be commenced within the space of nine calendar months next after the fact committed, and not afterwards.

Payment thereof, how enforced.

What it shall be sufficient to state in the declaration.

And in any indictment under this Act.

Proviso: Limitation of suits under this Act.

Cities and Towns not to form, for election purposes, part of Counties or Ridings in which they lie.

LXV. And be it declared and enacted, That from and after the passing of this Act, the several Cities and Towns of this Province, which have the right to elect Members to represent them respectively in the said Legislative Assembly, shall cease to form part, and be deemed, hereafter, not to form part, respectively, of the Counties or Ridings within the limits of which they respectively lie, as regards the election of Members to represent the said Counties or Ridings in the Legislative Assembly; and that no one shall have the right to vote at any such Election for any of the said Counties or Ridings, upon lands or tenements, or lots of ground lying within the limits of any of the said Cities or Towns respectively, whether there is erected thereon a dwelling house or not; any law, custom or usage to the contrary notwithstanding.

No proprietor shall vote in a County or Riding on property in any City or Town.

Fees for services and disbursements at elections.

LXVI. And be it enacted, That the Fees hereinafter mentioned, and no other, shall be allowed to the several Officers hereinafter mentioned respectively, for their services and disbursements at any Election, that is to say:

TO THE RETURNING OFFICER.

Returning Officer's fees.

For attendance on the day of opening the Election, two pounds currency.

For attendance on the day of closing the Election, when polls have been taken, two pounds.

For an Election Clerk, for each of those two days when attendance is required, one pound.

For two Constables, on each of those two days, each *per diem*, five shillings.

For each Copy of Proclamation or Notification of Election which may be required by law to be posted, whether in English and French, or in English only, two shillings and six pence.

For each Commission appointing Deputy Returning Officers and an Election Clerk, two shillings and six pence.

For each Warrant to Deputy Returning Officer to take the Poll, two shillings and six pence.

For each Indenture, five shillings.

For each Mile actually and necessarily travelled for attending the place of Election, for posting Proclamations or Notifications, and for transmitting Commissions to Deputies, and Election Clerk, and Poll Books, six pence.

For each Poll Book furnished to Deputies, five shillings.

For each Copy of the same, (and when such Copy is furnished by him to any Elector to be paid for by such Elector), at three pence per folio of a hundred words.

Certain disbursements allowed.

The Returning Officer to be allowed the actual reasonable expenses incurred by him in providing Hustings or places for holding Elections, and such reasonable expenses as may be incurred in transmitting Poll Books and Returns to the Clerk of the Crown in Chancery.

TO EACH DEPUTY RETURNING OFFICER.

Duputy Returning Officer's Fees.

For each day of holding the Poll, one pound.

For the Commission appointing a Poll Clerk, two shillings and six pence.

For a Poll Clerk, each day, ten shillings.

To the Deputy and Clerk respectively, for each mile actually and necessarily travelled to and from the place of polling for the purpose of taking the oaths required by law, six pence.

For two constables, each *per diem*, five shillings.

For each mile actually and necessarily travelled for transmitting Poll Books and Returns to the Returning Officer, six pence. Certain disbursements allowed.

The reasonable and actual expenses incurred in providing Hustings or Polling places to be allowed.

When the attendance of any Justice of the Peace is required to administer the oaths to be taken in a *public manner* by the Deputy Returning Officer and Polling Clerks, such Justice of the Peace to be allowed for each mile actually and necessarily travelled by him, in going and returning, to be charged in the account of the Returning Officer, six pence. Mileage to Justices of the Peace in certain cases.

Which said fees, allowances and disbursements shall be paid over to the Returning Officer, by Warrant of the Governor, directed to the Receiver General, out of the Consolidated Revenue Fund of the Province, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor of the Province through the Provincial Secretary thereof. How the said allowances shall be paid and accounted for.

LXVII. And be it enacted, That one copy of this Act, with a copious alphabetical Index prefixed for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout Canada. To whom copies of this Act shall be sent.

LXVIII. And whereas it is requisite to make a special provision for extending the time for polling under certain circumstances in the County of Waterloo, which it is not considered necessary to extend to other constituencies: Be it therefore enacted, That if at any Election for the said County of Waterloo, a written requisition shall be presented to any Deputy Returning Officer to be appointed under the authority of this Act for either of the Townships of Waterloo or Wilmot, in the said County of Waterloo, at any time before the hour of five o'clock in the afternoon of the second day fixed for taking the Poll, signed by twelve Electors of such Township, resident within the same, setting forth that in their belief, the number Recital. Time of Polling in the Township of Waterloo or of Wilmot, in the County of Waterloo, may be extended in certain cases and on certain conditions.

of Electors of such Township remaining unpolled within the same is so great that their votes cannot conveniently be recorded without an extension of the time for taking the Poll and requiring him to extend the same accordingly, it shall be the duty of such Deputy Returning Officer, when the hour of five o'clock in the afternoon of the said second day shall arrive, instead of closing the Poll, to adjourn the same to the hour of nine o'clock in the forenoon of the day following, except the same shall be Sunday, Christmas-day or Good Friday, in which case it shall be his duty to adjourn the same to the hour of nine o'clock in the forenoon of the day following such Sunday or Holiday, and that he shall keep such adjourned Poll open till the hour of five o'clock in the afternoon of the day to which it shall have been so adjourned: and provided also, and be it enacted, that if at any time before the hour of five o'clock in the afternoon of the day to which such Poll shall have been adjourned as aforesaid, a similar requisition to that aforesaid shall be presented to such Deputy Returning Officer, requiring for the like cause a further extension of the time for taking the Poll, it shall be his duty, when the hour of five o'clock in the afternoon of the said day shall arrive, to adjourn the Poll to the hour of nine o'clock in the forenoon of the day next following, except the same shall be Sunday, or one of the Holidays last aforesaid, in which case it shall be his duty to adjourn the same to the hour of nine o'clock in the forenoon of the day following such Sunday or Holiday, and that he shall keep such adjourned Poll open till the hour of five o'clock in the afternoon of the said day to which it shall have been so adjourned, and then finally close the same for that Election; and provided also, and be it enacted, That if on either of such two additional polling days to be held as aforesaid, the space of half an hour shall elapse without any person entitled to vote at such Poll tendering his vote thereat, then at the expiration of such half hour such Poll shall be finally closed for that Election.

Proviso.

Proviso.

Act may be amended in this Session.

LXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of the Provincial Parliament.

SCHEDULE.

1

FORM A, REFERRED TO IN THE NINTH SECTION OF THIS ACT.

Proclamation of the Returning Officer fixing the time and place for the opening of the Election, and also the day for opening the Poll.

PROCLAMATION.

County (Riding, City *or* Town) of , to wit:
Public Notice is hereby given to the Electors of the County, (Riding, City *or* Town) of that in obedience to Her Majesty's Writ to me directed, and bearing date the day of the month of I require the presence of the said Electors at in the Parish (*or* Township, *or* in the City *or* Town), of (*here describe the place distinctly, whether the Election be for a County or Riding, or for a City or Town*), on the day of the month of at o'clock in the noon for the purpose of electing a person (*or* persons, *as the case may be*,) to represent them in the Legislative Assembly of this Province; and that in case a Poll shall be demanded and allowed in the manner by law prescribed, such Poll will be opened on the day of the month of in the Parish of (*or* in the Township of *or* in the Ward, *or* in the part of the Parish of , *or* in the part of the Township of , *as the case may be*. (*Here, mention each of the Parishes, Townships, Wards, parts of Parishes, or Townships, in which a Polling place is to be opened and kept according to law.*) Of all which every person is hereby required to take notice and to govern himself accordingiy.

Given under my hand, at this day of the month of in the year
(Signature) A. B.

Returning Officer.

2.

OATH N° 1, REFERRED TO IN THE TENTH SECTION OF THIS ACT.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the County (Riding, *or* Town) of , solemnly swear

(*or, if he be one of the persons permitted by law to affirm in civil cases*, solemly affirm) that I am legally qualified according to law to act as Returning Officer for the said County (Riding, City *or* Town) of and that I will act faithfully in that capacity, without partiality, fear, favor or affection. So help me God.

(Signature) A. B.
Returning Officer.

3.

FORM B, REFERRED TO IN THE TENTH SECTION OF THIS ACT.

Certificate of the Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of A, B., the Returning Officer for the County (Riding, City *or* Town) of , took and subscribed before me the Oath (*or* affirmation) of office in such case required of a Returning Officer by the Tenth Section of the Act of the Parliament of this Province, intituled, *An Act. &c.*, (*title of this Act.*)

In testimony whereof, I have delivered to him this Certificate.
(Signature) C. D.
Justice of the Peace.

4.

FORM C, REFERRED TO IN THE ELEVENTH SECTION OF THIS ACT.

Commission of an Election Clerk.

To E. F. (*set forth his legal addition and residence.*)

Know you, that in my capacity of Returning Officer for the County (Riding, City *or* Town) of I have appointed and do hereby apoint you to be my Election Clerk, to act in that capacity according to law at the approaching Election for the said County (Riding, City *or* Town) of , which Election will be opened by me on the day of the month of

Given under my hand at this day of the month of in the year

(Signature) A. B.

Returning Officer.

5.

OATH N° 2, REFERRED TO IN THE ELEVENTH SECTION OF THIS ACT.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed Election Clerk for the County (Riding, City *or* Town) of
solemnly swear, (*or, if he be one of the persons permitted by law to affirm*, solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such according to law, without partiality, fear, favor or affetion. So help me God.

(Signature) E. F.

Election Clerk.

6

FORM D, REFERRED TO IN THE ELEVENTH SECTION OF THIS ACT.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the
day of the month of E. F., Election Clerk
for the County (Riding, City *or* Town) of
took and subscribed before me the Oath (*or* affirmation) of office required in such case of an Election Clerk, by the Eleventh Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (*title of this Act.*)

In testimony whereof, I have delivered to him this Certificate under my hand.

(Signature) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

7.

FORM E, REFERRED TO IN THE TWELFTH SECTION OF THIS ACT.

Proclamation which the Returning Officer is to cause to be read at the Hustings, on the day of the opening of the Election.

OYEZ, OYEZ, OYEZ;

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

8.

FORM F, REFERRED TO IN THE EIGHTEENTH SECTION OF THIS ACT.

Commission of a Deputy Returning Officer.

To G. H., (*Insert his legal addition and residence.*)

Know you, that in my capacity of Returning Officer for the County (Riding, City *or* Town) of I have appointed and do hereby appoint you to be Deputy Returning Officer, or one of the Deputy Returning Officers (*as the case may be,*) for the Parish of , (*or,* for the Township of , *or,* for the Ward, *or* for part of the Parish of , *or,* for part of the Township of *as the case may be,*) in the said County, (Riding, City *or* Town), there to take and record the Votes of the Electors according to law, at the Polling places to be by you opened and kept for that purpose.

Given under my hand, at this day of the month of in the year

(Signature) A. B.
Returning Officer.

9.

OATH N° 3 REFERRED IN THE EIGHTEENTH SECTION OF THIS ACT.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed Deputy Returning Officer (*or,* one of the Deputy Returning Officers, *as the case may*

be) for the Parish of , *or*, for the Township of *or* for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City or Town) of solemnly swear (*or*, *being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor or affection. So help me God.

(Signature) G. H.
Deputy Returning Officer.

10.

FORM G, REFERRED TO IN THE EIGHTEENTH SECTION OF THIS ACT.

Certificate of the Deputy Returning Officer (or *one of the Deputy Returning Officers*, as the case may be,) *having taken the Oath of Office.*

I, the undersigned, hereby certify that on the day of the month of , G. H., the Deputy Returning Officer for the Parish of , *or*, for the Township of , *or*, for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City *or* Town) of took and subscribed the oath (*or* affirmation) of Office required in such case of a Deputy Returning Officer, by the Eighteenth Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (*title of this Act.*)

In testimony whereof, I have delivered to him this Certficate under my hand.

(Signature) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

11.

FORM H, REFERRED TO IN THE EIGHTEENTH AND TWENTY-FIRST SECTIONS OF THIS ACT.

Commission of a Poll Clerk.

To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of Deputy Returning Officer (*or* one of the Deputy Returning Officers, *as the case may be,*)

for the Parish of , *or*, for the Township of , *or*, for the Ward, *or*, for part of the Parish of *or*, for part of the Township of), in the County, (Riding, City *or* Town) of , I have appointed and do hereby appoint you to be Poll Clerk for the said Parish of , (*or*, for the said Township of , *or*, for the said Ward, *or*, for the said part of the Parish of , *or*, for the said part of the Township of).

Given under my hand, at this day of the month of in the year .

(Signature) G. H.
Deputy Returning Officer.

12.

OATH Nº 4, REFERRED TO IN THE EIGHTEENTH SECTION OF THIS ACT.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the Parish of , (*or*, for the Township of , *or*, for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City *or* Town) of , do solemnly swear (*or*, *if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

(Signature) I. J
Poll Clerk.

13.

FORM J, REFERRED TO IN THE EIGHTEENTH SECTION OF THIS ACT.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the day of the month of , I. J., Poll Clerk for the Parish of , (*or*, for the Township of

or, for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City *or* Town) of took and subscribed before me the oath (*or* affirmation) of office required of a Poll Clerk in such cases by the Eighteenth Section of the Act of the Parliament of this Province, intituled, *An Act, &c.*, (*title of this Act.*)

In testimony whereof, I have delivered to him this Certificate under my hand.

(Signature) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.
or, G. H.
Deputy Returning Officer.

14.

FORM K, REFERRED TO IN THE NINETEENTH SECTION OF THIS ACT.

Warrant of the Returning Officer to each of his Deputies, for opening and holding the Polls.

County (Riding, City *or* Town) of

To G. H. Deputy Returning Officer (*or*, one of the Deputy Returning Officers, *as the case may be*) for the Parish of , (*or*, for the Township of , *or*, for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City *or* Town) of , to wit:

Whereas by Her Majesty's Writ to me directed, and bearing date the day of the month of I am commanded to hold an election of Member (or Members) to represent the County (Riding, City *or* Town) of in the Parliament of this Province; And whereas a Poll having been demanded, was granted by me according to law; These are therefore to authorize and require you to open and hold the Poll of such Election for the Parish (*or* Township *or* union of Townships, *or* Ward, *or* part of the Parish *or* Township) aforesaid, on the day of the month , at nine o'clock in the forenoon, (*here describe particularly the place at which the Poll is to be held*), and there to keep the said Poll open during the days and at the hours prescribed by law, and to take and record at the said Polling place, in a Book which you shall keep for that purpose

in the manner by law provided, the votes of the Electors voting at the said Polling place, and to return to me the said Poll Book, signed with your hand and sealed with your seal, together with this Warrant, on or before the day of

Given under my hand, at this day of the month of in the year

(Signature) A. B.

Returning Officer

15.

FORM L, REFERRED TO IN THE NINETEENTH SECTION OF THIS ACT.

FORM OF A POLL BOOK.

Number of the Voter.	Names of the Voters.	Their legal addition.	Their place of residence.	Proprietors.	Tenants.	Description of Lots and Range or Concession, or otherwise, as the case may be.	Objections.	Oaths—No.	Voters refusing to take the Oaths.	Names of Candidates

16.

FORM M, REFERRED TO IN THE TWENTY-SECOND SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the Parish of (*or*, for the Township of , *or*, the union of Townships of , *or*, for the Ward, *or*, for part of the Parish of , *or*, for part of the Township of), in the County (Riding, City *or* Town) of do solemnly swear (*or*, *if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that the Poll Book kept in and for the said Parish of (*or*, *as above*, *as the case may require*) under the direction of G. H., who hath acted as Deputy Returning Officer therein, hath been so kept by me under his direction as aforesaid, correctly, and to the best of my skill and judgment; and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling place in the said Parish of (*or*, *as above*, *as the same may be*) as the said votes were taken at the said Poll by the said Deputy Returning Officer.

(Signature) I. J.
Poll Clerk.

Sworn (*or*, affirmed) and subscribed before me, at this day of the month of in the year

(Signature) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.
or, G. H.
Deputy Returning Officer.

17

FORM N, REFERRED TO IN THE TWENTY-SECOND SECTION OF THIS ACT.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer (*or* one of the Deputy Returning Officers, *as the case may be*,) for the Parish of , (*or*, for the Township of *or*, for the Ward, *or*, for part of the Parish of *or*, for part of the Township of), in the County

(Riding, City *or* Town) of , do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that to the best of my knowledge and belief the Poll Book kept for the said Parish of (*or, as aforesaid, as the case may be,*) under my direction, hath been so kept correctly, and contains a true and exact record of the votes given at the said Polling place in and for the said Parish of (*or, as aforesaid, as the case may be,*) as the said votes were taken at the said Polling place.

(Signature) G. H.
Deputy Returning Officer.

Sworn (*or* affirmed) and subscribed before me, at the day of the month of in the year

(Signature) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

18.

FORM O, REFERRED TO IN THE TWENTY-FIFTH SECTION OF THIS ACT.

Indenture.

This Indenture made this day of in the year of Our Lord one thousand eight hundred and between A. B., Returning Officer for the County (Riding, City *or* Town) of , in the Province of Canada, of the one part, and C. D., E. F., and G. H., Electors of the said County (Riding, City *or* Town) of , of the other part, witnesseth that in obedience to Her (*or* His) Majesty's Writ, bearing date the day of the month of last (*or* instant,) and after the notice and formalities precribed by law had been given and observed, they, the said C. D., E. F., G. H., and other Electors of the said County (Riding, City *or* Town) of , have chosen D. E., Esquire, (*or* D. E. and F. G., Esquires), to represent the said County (Riding, City *or* Town of in the Legislative Assembly of this Province, during the next (*or* present) Parliament ; and they, the said Electors have given and do hereby give to the said D. E., (and F. G.) ample and sufficient power for them, the said Electors and the Commons of the said County (Riding, City *or* Town) of to do and consent to such matters and things as in the said Parliament, by the Common Council of the said Province, shall by the favour of God be ordained.

In testimony whereof, the said parties have to these presents made and executed in two (*or* in three parts,) severally set and subscribed their respective names, and affixed their respective seals on the day and in the year first above mentioned.

(Signature) A. B., [L. S.]
Returning Officer.

Electors { C. D. [L. S.]
E. F. [L. S.]
G. H. [L. S.]

19.

OATHS.

Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 *and* 19, *referred to in the Forty-first Section of this Act, and No.* 19, *also referred to in the Forty-second Section of this Act.*

LOWER CANADA.

No. 5.

OATH OF AN ELECTOR

Voting at the Election for any County in Lower Canada, upon an Estate to him belonging in virtue of a legal title, other than derived from descent, inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* you solemnly affirm) that you are actually possessed, and that you have been *bonâ fide* possessed, in virtue of a legal title, during the six calendar months immediately preceding the day (*here mention is to be made of the date of the Writ of Election*), for your own use and benefit, as proprietor, of the Estate which you have just described as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of forty four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 6.

OATH OF AN ELECTOR

Voting at the Election for any County in Lower Canada, upon an Estate to him belonging by descent or inheritance, devise, marriage, or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* you solemnly affirm) that you are actually *bonâ fide* possessed, for your own use and benefit, as proprietor, by descent or inheritance, *or* by devise, marriage, or contract of marriage, *as the case may be,*) of the estate which you have just described as giving you the right to vote at this Election; that the said estate is of the clear yearly value of forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 7.

OATH OF AN ELECTOR

Voting as proprietor at the Election for any City or Town, in Lower Canada, upon an Estate to him belonging in virtue of a legal title, other than derived from descent, inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* you solemnly affirm) that you are actually possessed, and that you have been *bonâ fide* possessed, in virtue of a legal title, during the six calendar months immediately preceding the day of (*here, mention is to be made of the date of the Writ of Election,*) for your own use and benefit, as Proprietor, of the Estate which you have just described, with a dwelling house thereupon, as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No 8.

OATH OF AN ELECTOR

Voting as Proprietor at the Election for any City or Town, in Lower Canada, upon an Estate to him belonging by descent or inheritance, devise, marriage or contract of marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you are actually *bonâ fide* possessed, for your own use and benefit, as Proprietor, by descent or inheritance, (*or* by devise, marriage or contract of marriage, *as the case may be*,) of the Estate which you have just described, with a dwelling house thereupon, as giving you the right to vote at this Election; that the said Estate is of the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more) over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 9.

OATH OF AN ELECTOR

Voting as a Tenant at the Election for any City or Town in Lower Canada.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you actually reside and have so resided as a Tenant within the limits of the City (*or* Town, *as the case may be*) of or the liberties thereof, during the period of twelve calendar months next before the day of , (*here, mention it to be made of the date of the Writ of Election*) at the rate of eleven pounds, two shillings and two pence half-penny currency, of rent, a year, or upwards; that you have, as such Tenant, really and *bonâ fide* paid eleven pounds, two shillings and two pence half-penny currency of such rent for the year ending at the last yearly (*or* half yearly, quarterly, *or other day of payment, as the case may be*) day of payment of such rent, which occurred next before the said day of (*date of the said Writ*); that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has any thing been promised to you either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

UPPER CANADA.

No. 10.

OATH OF AN ELECTOR.

Voting at the Election, for a County or Riding, in Upper Canada, upon an Estate derived by conveyance.

You swear (*or, he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold, which you hold by Deed of Conveyance, which Deed has been executed for upwards of six calendar months, and that you have been in the actual possession of such estate, or in the receipt of the rents and profits thereof, under and by virtue of such conveyance or upwards of six calendar months, immediately preceding the day of (*here, mention is to be made of the date of the Writ of Election*): that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing, currency, or more, over and above all annual rents and charges, payable out of or in respect of the same; that you verily belive you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election So help you God.

No. 11.

OATH OF AN ELECTOR

Voting at the Election for the County or Riding in Upper Canada, upon an Estate held under Patent from the Crown.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election is a Freehold which you hold by grant from the Crown, and that the Patent therefor has been registered during three calendar months preceding the day of (*here, mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election, and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 12.

OATH OF AN ELECTOR

Voting at the Election for a County or Riding in Upper Canada, upon an Estate derived by Conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election is a Freehold which you hold by Deed of Conveyance; and that such conveyance has been registered during three calendar months preceding the day of (*here mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one-years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 13.

OATH OF AN ELECTOR

Voting at the Election for a County or Riding in Upper Canada, upon an Estate derived by Inheritance, Devise or Marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you are actually possessed to your own use and benefit of the Estate which you have just described as giving you the right to vote at this Election, which is a Freehold Estate, and which you hold by inheritance (*or*, by descent or marriage, *as the case may be*); and that the same is of the clear yearly value of forty-four shillings and five pence and one farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 14.

OATH OF AN ELECTOR

Voting as a Freeholder in any City or Town in Upper Canada, upon an Estate derived by Conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold, upon which a dwelling house is erected, and which you hold by Deed of Conveyance, which Deed has been executed for upwards of six calendar months, and that you have been in the actual possession of such Estate, or in the receipt of the rents and profits thereof, under and by virtue of such Conveyance, for upwards of six calendar months, immediately preceding the day of (*here, mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 15.

OATH OF AN ELECTOR

Voting as a Freeholder in any City or Town in Upper Canada upon an Estate derived by inheritance, devise or marriage.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you are actually possessed to your own use and benefit of the Estate which you have just described as giving you the right to vote at this Election, which is a Freehold Estate upon which a dwelling house is erected, and which you hold by inheritance (*or* by descent or marriage, *as the case may be*); and that the same is of the clear yearly value of Five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 16.

OATH OF AN ELECTOR

Voting as a Tenant at the Election for any City or Town in Upper Canada.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you actually reside and have so resided as a Tenant within the limits of the City (*or* Town, *as the case may be*,) [illegible] or the liberties thereof, during the period of twelve calendar months, next before the day of (*here, mention is to be made of the date of the Writ of Election*) at the rate of Eleven pounds, two shillings and two pence half penny currency, of rent, a year, or upwards; that you have as such Tenant really and *bonâ fide* paid Eleven pounds, two shillings and two pence half penny currency, of such rent, for the year ending at the last yearly (*or* half yearly, quarterly, *or other day of payment, as the case may be*) day of payment of such rent, which occurred next before the said day of (*date of the said Writ*); that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 17.

OATH OF AN ELECTOR

Voting at the Election for a City or Town in Upper Canada, upon an Estate derived by Conveyance.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold upon which a dwelling house is erected, which you hold by Deed of Conveyance; and that such Conveyance has been registered during three calendar months preceding the day of (*here mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of Five Pounds, eleven shillings, and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election; and that you have not received any thing, nor has there any thing been promised to you, either directly or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 18.

OATH OF AN ELECTOR

Voting at the Election for a City or Town in Upper Canada, upon an Estate held under Patent from the Crown.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that the Estate which you have just described as giving you the right to vote at this Election, is a Freehold on which a dwelling house is erected, which you hold by grant from the Crown, and that the Patent therefor has been registered during three calendar months preceding the day of (*here, mention is to be made of the date of the Writ of Election*); that the said Estate is of the clear yearly value of five pounds, eleven shillings and one penny farthing currency, or more, over and above all annual rents and charges payable out of or in respect of the same; that you verily believe you are of the full age of twenty-one years; that you have not already voted at this Election, and that you have not received any thing, nor has there any thing been promised to you, either directy or indirectly, in order to induce you to give your vote at this Election. So help you God.

No. 19.

OATH OF AN ELECTOR

Voting at any Election for a County, Town or Riding either in Upper or Lower Canada, that he is a British Subject by birth or naturalization.

You swear (*or, if he be one of the persons permitted by law to affirm in civil cases*, you solemnly affirm) that you are a British subject by birth or by naturalization, according to Law, to the best of your knowledge and belief. So help you God.

ANNO QUARTO-DECIMO ET QUINTO-DECIMO

VICTORIÆ REGINÆ.

CAP. CVIII.

An Act to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards in Upper Canada, and for other purposes relative to Elections.

[*30th August*, 1851.]

Preamble.

WHEREAS it is expedient to determine the places at which Polls shall be held, under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several statutory provisions now in force, for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof* in Townships in Upper Canada, divided into Wards, inasmuch as the said Act provides that such Polls shall in Townships be held at the place where the last Township Meeting was held, and there will be several such places in a Township divided into Wards; And whereas alterations have been made during the present Session in the Territorial divisions of Upper Canada, and it is necessary to make provision for cases arising out of such alterations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Irela and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where a Poll is to be held under the Act first above cited in a Township divided into Wards, such Poll shall be held at the Town Hall in which the Meetings of the Municipal Council of the Township are held, if there be any such Town Hall, and if there be none, then at the place where the Municipal Council of the Township shall have held its first meeting in the year

12 V. c. 22.

At what place the Poll shall be held in Townships divided into wards.

in which such Poll is to be held, or if the said Council shall not have met during such year, then at the place where it shall have held its last meeting during the next preceding year; Provided always, that if in any case it shall happen that there is no place at which, under the provisions of the said Act and of this Act, the Poll ought to be held, and every union of Townships divided into Wards shall be deemed a Township divided into Wards within the meaning of this Act, then the Deputy Returning Officer shall himself appoint the place, selecting such as he shall deem most central and convenient for the majority of the Electors: Provided also, that if in any case there shall be no officer or person who, under the provisions of the eighteenth section of the said Act, ought to be appointed Deputy Returning Officer, then it shall be lawful for the Returning Officer to appoint such person as he may think fit to be Deputy Returning Officer, who shall have all the powers and perform all the duties, and be subject to all the liabilities incident to the said office by virtue of the said Act. Proviso. Proviso.

II. And be it enacted, That all the words in the third section of this Act first above cited, after the words "in Upper Canada only" in the beginning of the said section, shall be repealed, and the following words substituted therefor: "That the High Sheriffs for the time being of the several Counties and Unions of Counties for judicial purposes in that part of the Province, shall be *ex officio* Returning Officers for the Counties and Unions of Counties for purposes of Representation in the Provincial parliament, over which or over any County in which, their authority as such Sheriffs shall extend, and in which they shall respectively reside, and also for the respective cities and towns sending Members to Parliament and lying within the local limits of such Counties or Unions of Counties; and that for the several other Counties or Unions of Counties for the purpose of Representation, for which no Sheriff shall, under the foregoing provision, be *ex officio* the Returning Officer, the Registrars of Deeds for the time being for such Counties or Unions of Counties, or for any of the Counties included in such Unions of Counties, shall be *ex officio* Returning Officers: Provided always, Firstly, That so long as the County of Peel shall remain united for judicial purposes to the County of York, the Sheriff of that County, or of the Union of which it is a Member, shall be *ex officio* Returning Officer for the County of Peel as well as for the County of York and the City of Toronto; and so long as the County of Ontario shall remain united for judicial purposes to the said County of York, and there shall be no separate Registrar for the said County of Ontario, the Registrar of the said County of York, shall be *ex officio* Returning Officer for the said County of Ontario: And provided also, Secondly, That if in any case there shall be more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed to either of them, and the person to whom it shall be Part of section 3 of the amended Act repealed, and other provisions substituted. Proviso. Proviso.

directed shall alone act as such Returning Officer; and if in any case it shall happen that Writs of Election shall issue at the same time, or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would, under the foregoing provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the fifth section of the said Act, as the Governor shall appoint to be the Returning Officer or Officers."

If there be no *ex officio* Returning Officer. Governor to oppoint one.

III. And be it enacted, That if in any case it shall happen, either in Upper or in Lower Canada, that there shall be no person, who, under the provisions of the said Act and of this Act, shall be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then it shall be lawful for the Governor to appoint any person qualified under the said fifth section of the said Act to be Returning Officer for such place.

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